CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

September 5, 2013 Meeting Agenda Item 3

SUBJECT: Lido Villas - (PA2012-146) 3303 and 3355 Via Lido

General Plan Amendment No. GP2012-005

Coastal Land Use Plan Amendment No. LC2013-001

Code Amendment No. CA2012-008

Site Development Review No. SD2013-001

 Tract Map No. NT2013-001 (Tentative Tract Map No.17555)

Mitigated Negative Declaration No. ND2013-001

APPLICANT: Dart Development Group

PLANNER: Makana Nova, Assistant Planner

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PROJECT SUMMARY

The project consists of the demolition of a 3-story commercial building, a single-story church building (First Church of Christ, Scientist), and a 56-space surface parking lot to accommodate the development of 23 townhouse-style multi-family dwelling units on a 1.2 acre site. The following applications are requested in order to implement the project as proposed:

- General Plan Amendment-to change the land use of a portion of the project site (3303 Via Lido) from PI (Private Institutions, 0.75) to RM (Multi-Unit Residential, 20 DU/acre).
- 2. **Coastal Land Use Plan Amendment**-to change the land use of a portion of the project site (3303 Via Lido) from PI-B (Private Institutions) to RM-D (Multiple-Unit Residential).
- 3. Zoning Code Amendment-to change the Zoning designations of the properties at 3303 Via Lido from PI (Private Institutions) and 3355 Via Lido from RM (Multiple-Unit Residential, 2178) and establish a Planned Community Development Plan (PC) Zoning District over the entire project site with development standards for a new 23unit multi-family project. In order to establish the proposed planned community development plan, a waiver of the minimum site area of 10 acres of developed land is necessary.
- 4. **Site Development Review**-to allow the construction of 23 townhouse-style multifamily dwelling units.
- 5. **Tract Map**-to combine six underlying parcels on two existing properties and establish a 23-unit residential condominium tract on a 1.2 acre site.
- 6. **Mitigated Negative Declaration**-to evaluate environmental impacts relative to the California Environmental Quality Act (CEQA).

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ (Attachment No. PC 1) and attached Exhibits recommending the City Council:
 - Adopt Mitigated Negative Declaration No. ND2013-001;
 - Approve General Plan Amendment No. GP2012-005;
 - Approve Local Coastal Plan Amendment No. LC2013-001;
 - Approve Code Amendment No. CA2012-008;
 - Approve Site Development Review No. SR2013-001; and
 - Approve Tract Map No. NT2013-001 (Tentative Tract Map No.17555).

DISCUSSION

August 22, 2013, Planning Commission Meeting

The Planning Commission received a Staff presentation of the proposed project on August 22, 2013, and voted to continue the project to September 5, 2013, to allow additional time for the Planning Commission to consider the project and provide direction for Staff. The Planning Commission requested additional information related to the architectural design and construction of the project. The draft Planning Commission minutes are included as Attachment No. PC 3. Public comment letters received prior to the meeting are included as Attachment No. PC 4.

Generally, the Planning Commission requested the following information:

- Additional details regarding the architectural style and material finishes.
- Greater discussion of the project's compatibility the Lido Village Design Guidelines.
- Analysis and comparison of hardscape and landscape area within common areas on-site.
- Consideration of additional guest parking beyond the minimum required 12 spaces within the surface parking areas.
- Revisions to the Planned Community Development Text to better address permitted land uses, parking requirements, and the architectural design of the project.
- Conditions of approval to incorporate requirements for City review of the covenants, conditions, and restrictions (CCRs) for the project.
- Discussion of the comments submitted by the Friends of Dolores and written by Robert Hawkins on August 22, 2013, relative to the CEQA analysis of the project and Lido Village Design Guidelines.

The following analysis responds to the Commission's concerns and includes additional information that was not available at the August 22, 2013, meeting.

Analysis

Project Design

As previously discussed in the August 22, 2013 staff report, the project is designed in a coastal modern architectural style. To better illustrate the architectural design of the proposed project, a photo of the materials board and detailed architectural elevations (Attachment No. PC 5 and 6).

Finishes include the use of horizontal stained cedar siding on the Island Unit type that encompasses vertical panels at the front elevations of each dwelling unit in areas that are not occupied by windows. Adjacent guardrails would provide a wood handrail to complement the wood panels.

The same wood cedar siding would be utilized on the Harbor Unit type in a similar treatment to the interior panel treatments facing the residential balconies. These units would be defined by a white stripe patterned glazing on the tempered glass guardrails at each level.

The side of each façade would incorporate concrete composite panel elements at the side facades with cream or grey panels, depending on the unit type. Aluminum finishes would serve to define window panel areas at the front elevations for both unit types. The building materials maintain a cool neutral color palette accented by warm wood elements applied to all units to maintain continuity throughout the project site.

Lido Village Design Guidelines

The City Council adopted the Lido Village Design Guidelines (Guidelines) on January 10, 2011 to provide guidance and inspiration for area-wide improvements. With the City Council's adoption of the Guidelines by resolution, the Guidelines do not have the weight of an ordinance.

The following provides a summary of the content provided within the Guidelines:

• **Chapter 1** is an introduction that provides the summary and objectives of the Lido Village Design Guidelines:

"The objective of the Guidelines is to provide owners with strong positive images and a design vocabulary for the renewal of Lido Village. These Guidelines are intended to streamline the design and approval process by requiring property owners to adhere to the contents within. Special considerations or incentives may be provided for

projects that provide enhanced amenities or public benefit, at the discretion of City officials."

- Chapter 2 identifies geographic areas within Lido Village along with edge conditions (Street-focused, Buffer edge, Waterfront edge, and Service edge) for the design areas with guidelines for improved pedestrian connections and open space.
- Chapter 3 provides architectural guidelines (form/massing, facade treatments, street interface, roofs, and building materials) and identifies "Coastal" and "Mediterranean" architectural styles as being preferred.
- Chapter 4 provides landscape guidelines that apply to plantings and hardscape improvements. Significant attention is paid to streets, the waterfront, pedestrian connections, and links to surrounding neighborhoods to guide the design of future capital improvement projects and beautification efforts (budget permitting). A strong preference is identified for "California Friendly" plantings that have low watering requirements compatible with the climate, soils, and setting.
- Chapter 5 addresses implementation of the Guidelines as a design manual for private development and public spaces. Within this framework, flexibility will be preserved while establishing a clear statement of design intent that property owners, designers, and decision-makers will need to follow.

Consistency with Lido Village Design Guidelines

Chapter 2 of the Guidelines suggests a "Street-focused" edge along Via Lido and Via Malaga and a "Service" edge along Via Oporto. The Street-focused edge suggests image-defining facades with street orientation, strong building/pedestrian interfaces, and the use of a unifying theme and character. The Service edge suggests back of house and service conditions, limited pedestrian access, and special screening applications. Additionally, the Guidelines suggest a Primary Pedestrian Corridor along Via Lido and Secondary Pedestrian Corridors along Via Malaga and Via Oporto. The project provides a consistent street-focused edge for all three street frontages. Vehicular access is not provided along Via Lido accentuating pedestrian access. Although the street focused edge along Via Oporto doesn't provide elements of a service edge as identified in the Guidelines, the design supports future use of Via Oporto as a pedestrian corridor. Via Oporto was identified as a Service edge due to its proximity with Via Lido Plaza and with the change of use from Pavilions to West Marine, there should be a diminishment of service activities potentially facilitating enhanced pedestrian use consistent with the street's designation as a secondary pedestrian corridor.

Staff believes the project is consistent with the architectural guidelines identified in Chapter 3 of the Guidelines. The architectural style is a modern interpretation of a Coastal style. The project incorporates simple block massing characteristic of this style accented by a wood panel siding treatment along the front façades. Building materials have been chosen to withstand coastal conditions and the cedar is considered a durable wood that is permitted for exterior treatments without preservative treatments.

While the architecture does not exhibit all of the "coastal" elements identified by the Guidelines, the overall result suggests a nautical flavor with its forms and choice of high quality materials.

The project incorporates a combination of hardscape and landscape as depicted on the proposed landscape plan that is water-efficient, drought tolerant and therefore consistent with the landscape guidelines identified in Chapter 4 of the Guidelines.

Overall, Staff believes the project's strong consistency with the site and neighborhood planning aspects of the Guidelines, coupled with the applicant's modern interpretation of Coastal architecture with the use of authentic, high quality materials warrants a recommendation to find the project consistent with the Lido Village Design Guidelines. Ultimately, the project, if approved, should help to achieve the overall vision to create a vibrant gateway Village in the heart of historic Newport Beach's Balboa Peninsula by creating a unique coastal California destination.

Hardscape vs. Landscape Open Space Areas

The landscaping should provide adequate buffering and softening of the urban design aesthetic. The site plan proposes 8,526 sq ft of landscape area for the project site. A total of 22,389 sq ft of hardscape areas are provided on-site, including required vehicle circulation areas. A calculation of these hardscape and landscape areas is provided as Attachment No. PC 7.

Of the total 5,474 sq. ft. of common areas not utilized for vehicle circulation, 71 percent are provided as landscape areas. A total of 2,483 sq. ft. of common areas qualify toward the calculation of common open space and provide the required 15-foot dimension as useable common open space.

Guest Parking and Vehicle Circulation

Twelve guest parking spaces (0.5 spaces per dwelling unit) are required under the proposed Planned Community Development Plan, consistent with the standard for the RM Zoning District of the Zoning Code.

The Planning Commission expressed concern that the 12 guest spaces provided would not be sufficient to meet demand for the project and mentioned requiring more than the minimum requirement.

Staff, including the Public Works Department, has worked extensively with the applicant to achieve a site design that provides the maximum number of guest parking spaces on-site with adequate vehicle circulation and access for each of these spaces. Staff believes it would be difficult for the applicant to provide additional guest parking on-site that would provide adequate circulation and access to sufficiently serve the project site.

Draft Conditions of Approval

The following changes have been reflected and redlined in Exhibit "F" of the revised draft resolution (Attachment No. PC 1) to address the Planning Commission's comments:

- Draft Condition No. 2 has been amended to specify "selling broker" in the list of notifications of the conditions of approval since the project will consist of condominium dwelling units available for individual sale rather than "leasing agent" as originally identified.
- Condition No. 47 was clarified to specify that park fees are assessed on a per unit basis.
- A typographical error was corrected in Condition No. 72 to accurately reflect the word, "relocation."
- Condition No. 85 has been added to reflect requirements for school fees.
- Condition No. 86 has been added requiring City review of the covenants, conditions, and restrictions for the development.

PC-Text

Revisions and additions have been made to the draft Planned Community Development Plan (Attachment No. PC 2) to reflect the comments of the Planning Commission. Language has been added to addressed the architectural character of the project, clarify permitted land uses, and address the use of the garage areas for the parking of vehicles.

Robert Hawkin's Comment Letter

A comment letter was submitted by the Friends of Dolores and written by Robert Hawkins on Thursday, August 22, 2013 (Attachment No. PC 4). The commenter indicates that the project MND is inadequate as it does not provide a cumulative analysis specifically referencing the City Hall Reuse Project.

The City Hall Reuse Project Amendments appeared on the City Council's agenda for consideration in March of 2013, and they were continued to consider several proposals for development of the site. Subsequent to selecting RD Olson to negotiate development of the site with a hotel in July of 2013, the City decided to prepare an Environmental Impact Report (EIR) for both the proposed hotel as well as the pending land use plan amendments. With the decision to prepare an EIR for the redevelopment of the former City Hall site, the City Council will not consider the proposed GPA for the former City Hall site until after it considers the Lido Villas GPA. The MND was prepared considering the draft MND for the proposed land use amendments for the former City Hall site and an additional discussion of this analysis is provided by the CEQA consultant as Attachment No. PC 8.

The commenter indicates that the MND does not contain an analysis of Charter Section 423 and that the Charter 423 analysis provided in the Staff Report does not account for the City Hall Reuse Project. The Charter 423 analysis was not included in the MND since the provisions of Charter Section 423 are procedural in nature (i.e. how a General Plan Amendment (GPA) may be authorized) and not adopted for the for the purpose of protect the environment. The Staff Report included an analysis as mandated by Charter Section 423. The City Hall Reuse Project was not included in that analysis because it was not approved by the City Council and Charter Section 423 does not require an analysis of pending General Plan Amendments. Should the City Council approve the proposed Lido Villas GPA, the increase in units will affect future GPA within Statistical Area B5 including the pending GPA for the former City Hall site.

The commenter indicates that the MND characterizes the Lido Village Design Guidelines as regulatory when they are not. This characterization in the Draft IS/MND is unintentional and the IS/MND discusses the Lido Village Design Guidelines to provide land use context to the potential development. If the project were not consistent with the guidelines, potential land use and aesthetic impacts could occur. Therefore, consistency with the Guidelines, in addition to the long-range goals and policies articulated in the Newport Beach General Plan and Coastal Land Use Plan support land use compatibility and the conclusion that potential impacts would be less than significant.

Summary

Staff recommends that the Planning Commission recommend adoption of the MND and approval of the project applications.

Overall, the proposed project would result in the redevelopment of an under-utilized and aging commercial lot with a compatible residential development that implements the goals and policies for Lido Village. The project would also result in the redevelopment of a property that was specifically re-designated for residential use as part of the 2006 General Plan Update to encourage its redevelopment.

Public Notice

This item was continued from to a date certain in the Planning Commission minutes from August 22, 2013. Notice for the August 22, 2013, hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

<u>Alternatives</u>

Staff believes that the findings for approval can be made for the proposed project as recommended and the facts in support of the required findings are presented in the draft

resolution (Attachment No. PC 1). The following alternatives are available to the Planning Commission:

- 1. The Planning Commission may suggest specific changes that are necessary to alleviate any concerns such as the project height, resulting in abrupt changes in scale, or architectural consistency with the Lido Village Design Guidelines. If any additional requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return once the applicant has had an opportunity to revise the project accordingly with a revised resolution incorporating new findings and/or conditions.
- 2. If the Planning Commission believes that there are insufficient facts to support the land use amendments, the Planning Commission may deny the application without prejudice in the draft resolution for denial. The applicant may then return with a project that incorporates only the property at 3355 Via Lido, which is already designated for multi-family residential use.

Prepared by:

Submitted by:

Makana Nova Assistant Planner

Brenda Wisneski, AICP, Deputy Director

ATTACHMENTS

- PC 1 Revised Draft Resolution
- PC 2 Revised Draft Planned Community Development Plan
- PC 3 Draft Planning Commission Minutes
- PC 4 Public Comment Letters
- PC 5 Materials Board
- PC 6 Detailed Elevations
- PC 7 Calculation of Hardscape and Landscape Areas
- PC 8 Discussion of MND Cumulative Analysis Including the City Hall Site

Rpt 09-05-13.docx: 05/24/13

Attachment No. PC 1

Revised Draft Resolution

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL ADOPTION OF **MITIGATED NEGATIVE** DECLARATION NO. ND2013-001, APPROVAL GENERAL PLAN AMENDMENT NO. GP2012-005. COASTAL LAND USE PLAN AMENDMENT NO. LC2013-001, ZONING CODE AMENDMENT NO. CA2012-008, SITE **DEVLOPMENT REVIEW** NO. SD2013-001, MAP **TENTATIVE** TRACT NO. NT2013-001 **FOR** PROPERTIES LOCATED AT 3303 AND 3355 VIA LIDO (PA2012-146)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by DART Development Group, with respect to property located at 3303 and 3355 Via Lido, and legally described as Lots 1201 to 1204 together with that portion of the adjoining alley of Tract 907, as shown on map recorded in Book 28, Pages 25 to 36, inclusive, of Miscellaneous Maps, records of Orange County, California, together with that portion of Lots 4 and 5 of Tract 1117, in the city of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 35, Page 48 of Miscellaneous Maps, records of Orange County, California, together with a portion of the 20 foot alley adjoining said Lots 4 and 5 as abandoned by resolution of the City Council of Newport Beach on February 4, 1946, a certified copy of said resolution being recorded March 11, 1946 in Book 1400, Page 149 of Official Records, requesting approval of a General Plan amendment, Coastal Land Use Plan amendment, Zoning Code amendment, site development review, and tentative tract map.
- 2. The proposed project consists of the demolition of a 3-story commercial building, a single-story church building (First Church of Christ, Scientist), and a 56-space surface parking lot to accommodate the development of 23 townhouse-style multi-family condominium units on a combined 1.2 acre site.
- 3. The General Plan Land Use Element category of the subject property at 3303 Via Lido is Private Institutions (PI, 0.75 FAR). The General Plan Land Use Element category of the subject property at 3355 Via Lido is Multiple-Unit Residential (RM, 20 du/ac).
- 4. The requested change of the General Plan designation of 3303 Via Lido is from Private Institutions (PI, 0.75 FAR) to Multiple-Unit Residential (RM, 20 du/ac) (General Plan Amendment No. GP2012-005).

- 5. Council Policy A-18 requires that proposed General Plan amendments be reviewed to determine if a vote of the electorate would be required pursuant to Section 423 of the City Charter. If a General Plan Amendment (separately or cumulatively with other GPA's within the previous 10 years) generates more than 100 peak hour trips (AM or PM), adds 40,000 square feet of non-residential floor area, or adds more than 100 dwelling units in a statistical area, a vote of the electorate would be required if the City Council approves the GPA.
- 6. This is the fourth General Plan Amendment that affects Statistical Area B5 since the General Plan update in 2006. The amendment results in seven additional dwelling units and there is no change in square-footage of non-residential floor area. The seven additional units result in an overall decrease in a.m. and p.m. peak hour trips based on the residential/condominium townhouse trip rates provided in Council Policy A-18. Including 80 percent of prior General Plan amendments results in a total increase of 16,275 square feet of nonresidential floor area, 49 a.m. peak hour trips, 65 p.m. peak hour trips, and nine residential dwelling units for Statistical Area B5. As none of the thresholds specified by Charter Section 423 are exceeded, no vote of the electorate is required if the City Council chooses to approve General Plan Amendment No. GP2012-005.
- 7. The subject property is located within the coastal zone. The Coastal Land Use Plan category of 3303 Via Lido is Private Institutions (PI-B) and the Coastal Land Use Plan category of 3355 Via Lido is Multiple-Unit Residential (RM-D).
- 8. The requested change to the Coastal Land Use category is consistent with the recommended General Plan Amendment for 3303 Via Lido from Private Institutions (PI-B) to Multiple-Unit Residential (RM-D). The CLUP amendment (LC2013-001) will not become effective until the amendment to the Coastal Land Use Plan is approved by the Coastal Commission.
- 9. The Zoning designation of 3303 Via Lido is Private Institutions (PI, 0.75 FAR) and the Zoning designation of 3355 Via Lido is Multi-Unit Residential (RM, 2178).
- 10. The requested change of the Zoning District designations for both portions of the project site are to the PC-Planned Community Zoning District (Zoning Code Amendment No. CA2012-008). The application includes the adoption of the Lido Villas Planned Community that will provide land use and development standards for the construction and operation of a 23-unit condominium development. A waiver of the 10 acre (developed) minimum site area is requested as part of the establishment of the PC Zoning District. The resulting density under the PC Zoning District would be equivalent to the density allowed under the RM 2178 designation and would allow for a maximum of 23 dwelling units on-site (20 dwelling units per acre).

- A public hearing was held on August 22, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.
- 11.12. A public hearing was held on September 5, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

- 1. An Initial Study and Mitigated Negative Declaration have been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3.
- 2. The draft Mitigated Negative Declaration was circulated for a 30-day comment period beginning on July 12, 2013, and ending on August 13, 2013. The environmental document and comments on the document were considered by the Planning Commission in its review of the proposed project.
- 3. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are attached as Exhibits "A" and "B", respectively. The documents and all material, which constitute the record upon which this decision was based, are on file with the Planning Division, City Hall, 100 Civic Center Drive, Newport Beach, California.
- 4. On the basis of the entire environmental review record, the proposed project, with mitigation measures, will have a less than significant impact upon the environment and there are no known substantial adverse affects on human beings that would be caused. Additionally, there are no long-term environmental goals that would be compromised by the project, nor cumulative impacts anticipated in connection with the project. The mitigation measures identified and incorporated in the Mitigation Monitoring and Reporting Program are feasible and will reduce the potential environmental impacts to a less than significant level.

SECTION 3. REQUIRED FINDINGS.

1. Amendments to the General Plan, Coastal Land Use Plan, and Zoning Code are legislative acts and neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments. However, amendments of the Coastal Land Use Plan must be found consistent with the Coastal Act to be certified by the California Coastal Commission.

- 2. The requested GPA and resulting land use change is compatible with the existing surrounding uses and planned land uses identified by the General Plan because the project would introduce residential land uses on a property that abuts 3355 Via Lido, which is already designated for residential land use. Additionally, the proposed amendment from PI to RM will be compatible with adjacent residential properties to the east, religious institutional use to the south, and commercial uses to the west. 3355 Via Lido is an unusually shaped parcel and the proposed amendment will create a larger shaped parcel making development more efficient. The Lido Village Subarea has been characterized by underperforming retail uses within the past decade and additional residential units would support commercial properties within the area.
- 3. The requested GPA from PI to RM does not eliminate existing or future land uses to the overall detriment of the community given the site's small size, location, and surrounding uses. The site is developed with buildings designed for a religious institution and the site does not provide adequate parking and is reliant upon off-site and public street parking. Maintaining the site's PI land use designation would maintain the existing religious institutional use, which is not considered a traditional visitor–serving use, and maintain the inadequate parking arrangement. The existing buildings would require extensive alterations to accommodate other potential visitor-serving uses or other institutional uses under the existing PI land use designation.
- 4. The requested GPA and resulting land use change is consistent with other applicable land use policies of the General Plan. Consistent with General Plan Policy 6.9.1 (Priority Uses) for Lido Village, the project site is located in an area of Lido Village where multi-family uses are planned and encouraged. The size, density and character of the proposed dwelling units complement the existing land uses in the project area and include design elements consistent with Land Use Element Policy 5.1.9 (Character and Quality of Multi-Family Residential) that require multi-family dwellings to be designed to convey a high quality architectural character. Consistent with General Plan Policy LU 6.2.1 (Residential Supply), the provision of 23 townhomes on the site would help the City meet its regional housing needs.
- 5. The requested CLUP amendment is necessary to maintain consistency with the recommended GPA. The CLUP amendment is consistent with other applicable policies of the CLUP related to land use, public access, and resource protection. The project would not limit the potential to place coastal-development and coastal-related land uses within Lido Village given the site's location and existing adjacent and planned uses. The site is separated from Newport Bay by Via Lido and private development and the majority of the site is designated for residential use. The site is also separated from nearby commercial uses by public roadways with the exception of the small commercial property to the north of the project site. The site does not provide public access to the coast and development will reduce demand for public parking with the elimination of the existing religious

institutional use that does not provide off-street parking. The proposed Planned Community (PC) Zoning would apply appropriate site and project specific setbacks and height limits to the project site given the site's urban location and all required parking is provided on-site. The site is fully developed and does not support any natural resources and all potential environmental impacts associated with the project are appropriately addressed through standard building permit procedures and the mitigation measures identified in the Mitigated Negative Declaration.

- 6. The requested Zoning Code Amendment to establish a Planned Community Development Plan will provide appropriate land use regulations and development standards ensuring that the project will meet the goals, objectives, and policies of the General Plan, CLUP, and purpose of the PC district. Despite the requirement that PC's be 10 acres to take advantage of larger-scale comprehensive planning, the 1.2-acre Lido Villas Planned Community provides for a coordinated and comprehensive project establishing an urban standard more consistent with the project's location within the larger commercial and mixed-use Lido Village area. The Multiple-Unit Residential (RM) development standards reflect a suburban standard and establishing urban standards through a Planned Community are necessary in order to better integrate the proposed project with the surrounding area. Larger scale, comprehensive planning for Lido Village has been accomplished through the recently approved Lido Village Design Guidelines, and thus, a waiver of the 10 acre area requirement for the establishment of a Planned Community is appropriate for the proposed project under these circumstances.
- 7. The future development of the property affected by the proposed amendments will be consistent with the goals and policies of the Land Use Element of the General Plan and the Coastal Land Use Plan; and will be consistent with the purpose and intent of the proposed Lido Villas Planned Community (PC) Zoning District of the Newport Beach Municipal Code.

Site Development Review

A site development review is required for the construction of five or more residential units processed in conjunction with a tentative tract map. The site development review analyzes the project as a whole for compatibility with the site and surrounding land uses. In accordance with Section 20.52.080 (Site Development Review) of the Zoning Code, the following findings and facts in support of a site development review are set forth:

Finding:

A. Allowed within the subject Zoning district;

Facts in Support of Finding:

A-1. The proposed Site Development Review for a 23-unit condominium project is consistent with the proposed Lido Villas Planned Community that would allow 23 residential units.

Finding:

- B. In compliance with all of the applicable criteria [below]:
 - a. Compliance with this Section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure:
 - b. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent development; and whether the relationship is based on standards of good design;
 - c. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;
 - d. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;
 - e. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and
 - f. The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View Protections); and

Facts in Support of Finding:

- B-1. Refer to facts 1 through 7 under *Required Findings*, above that discuss the project's consistency with the proposed Multiple-Unit Residential (RM) General Plan land use designation, RM-D Coastal Land Use Plan category, and the Lido Village Planned Community (PC) Zoning District.
- B-2. The project has been designed as 23, 3-story units within five building structures and provides for effective private open space, light, and air for each unit. The project is integrated as a unified development through the use of similar architectural style and design elements, shared use of parking, and internal pedestrian circulation.
- B-3. Access to the site, on-site circulation, and parking areas are designed to provide standard-sized parking spaces, 26-foot-wide, two-way driveways, and the minimum vehicle turning radius to accommodate and provide safe access for residents and guests (including the disabled), emergency vehicles, delivery trucks, and refuse collections vehicles, as determined by the City Traffic Engineer.

- B-4. The front setbacks along each street frontage are appropriate to support pedestrian connectivity within Lido Village and each dwelling unit provides separate and well-defined entries.
- B-5. Mechanical equipment for the residential units have been located within enclosures at the roof deck level to reduce noise impacts and the enclosures will provide effective screening below the roof deck parapet level to minimize aesthetic impacts.
- B-6. The project has been designed to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts. A 6-foot block wall provides a buffer between the proposed residential units and the existing commercial units to the north of the project site and is designed to maintain privacy and protection for the residential tenants.
- B-7. The height, bulk, and scale of the residential units are comparable to the existing 35-foot-high commercial building on-site at 3355 Via Lido. Each dwelling unit is designed to provide variation and modulation between building units and along the rooflines for visual interest. The front façades include both vertical and horizontal off-sets and utilize a variation of building materials to provide enhanced visual relief. The massing of the project is broken up into five separate buildings, which vary in size and placement throughout the project site breaking up building massing.
- B-8. The proposed project is consistent with the Lido Village Design Guidelines. The proposed project combines coastal and modern architectural styles into the residential project in a way that is conscious of coastal living lifestyles and provides a modern loft style reminiscent of the historic coastal warehouses found in adjacent Cannery Village. The residential units provide separate and well-defined entries. All residential units are oriented toward adjacent streets to maximize the pedestrian relationship of the development to the surrounding Lido Village area. The greater setback of the lower level affords a covered porch and the reduced setback at the second level creates a greater interface with the adjacent rights-of-way to ensure compatibility with the pedestrian environment.
- B-9. The proposed units are appropriate in relationship to existing and adjacent development in the area. The unified design theme of the residential units provides for an architectural pattern with the mixed-use structure at 3388 Via Lido to the northeast and historic coastal warehouses located further to the south in Cannery Village.
- B-10. The units are oriented toward the adjacent right-of-way to support pedestrian connections in the Lido Village Subarea. Walkways and egress are sufficient throughout the site as reviewed by the Building Division and the City Traffic Engineer.

- B-11. The project provides 46 residential parking spaces, and 12 residential guest parking spaces, which can be provided entirely on-site. Each residential unit will be afforded a private enclosed two-car garage with direct interior access to their units. All guest parking spaces are provided in the surface parking areas.
- B-12. The project would relocate three on-street parking spaces along Via Malaga, resulting in no net change in the 30 total on-street parking spaces currently provided.
- B-13. The site design provides only two curb cuts with ingress and egress access from Via Oporto and Via Malaga to minimize potential conflicts with use of the streets. The project provides adequate sight distance at each driveway, as determined by the City Traffic Engineer.
- B-14. The parking area complies with the landscape parking lot requirements of NBMC Sec. 20.40.070.D.3 (Development Standards for Parking Areas) and includes adequate and effective use of ground cover, hedges, and shade trees. Landscaping is provided throughout the site in areas that are not utilized by the existing units or areas for parking circulation. All setback areas are landscaped. A variation of ornamental groundcover, vines, shrubs, and trees are utilized to help soften and buffer the massing of the condominium units.
- B-15. New street trees will be provided along all three street frontages adjacent to Via Lido, Via Malaga, and Via Oporto.
- B-16. The project is subject to the City's Water-Efficient Landscape Ordinance (Chapter 14.17 of NBMC) and compliance will be confirmed at plan check prior to issuing building permits.
- B-17. The proposed residential development provides a series of common outdoor living areas that includes open plazas and landscaped seating areas between the residential buildings. Additionally, a water feature is proposed at the corner of Via Lido and Via Malaga. Each unit is afforded a covered porch area and landscaping, private outdoor living space in the form of large balconies, and private roof decks.
- B-18. The site is visible from two key vantage points identified by the General Plan. However, these vantage points are oriented toward water views of Newport Bay. The urban view from these vantage points will not be changed significantly but rather will be improved by replacement of an uninspiring commercial building with a new modern coastal development. The portion of Via Lido, Via Oporto, and Via Malaga, on which the project is located, are not designated as coastal view roads and do not provide coastal views requiring public view protection.

Finding:

C. The proposed development is not detrimental to the harmonious and orderly growth of the City, or endanger jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.

Facts in Support of Finding:

- C-1. The residential project has been designed to ensure that potential conflicts with surrounding land uses are minimized to the extent possible to maintain a healthy environment for both businesses and residents by limiting access points and providing an architecturally pleasing project with articulation and building modulations to enhance the urban environment consistent with the Lido Village Design Guidelines.
- C-2. The proposed surface parking lot has been designed to accommodate and provide safe access for emergency vehicles, delivery trucks, and refuse collections vehicles, as determined by the City Traffic Engineer. The size, design, location, and screening of the refuse enclosures will comply with the requirements of NBMC Sec. 20.30.120 (Solid Waste & Recyclable Materials Storage) ensuring compatibility with the on-site and adjacent uses. Adequate access to individual refuse containers would be provided through each individual unit.
- C-3. Noise and visual impacts with the adjacent commercial property to the north would be minimized due to the 6-foot block wall, and landscaping.
- C-4. The project is subject to the City's Outdoor Lighting requirements contained within Section 20.30.070 of the Zoning Code.
- C-5. Roof-top mechanical equipment for each unit would be fully enclosed within an equipment screen and would not be visible from the right-of-way.
- C-6. The new construction will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Tentative Tract Map

A tentative tract map is requested for residential condominium purposes, to create 23 condominium units. The map would also serve to consolidate six parcels and portions of adjacent vacated alleys into one lot. In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the Newport Beach Municipal Code, the following findings and facts in support of a tentative tract map are set forth:

Finding:

A. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with the applicable provisions of the Subdivision Map Act and the City Subdivision Code.

Facts in Support of Finding:

- A-1. Refer to facts 1 through 4 under *Required Findings*, above, that discuss the project's consistency with the proposed Multiple-Unit Residential (RM) General Plan land use designation.
- A-2. The Tentative Tract Map provides for the development of a cohesive planned community with a pattern of building orientations and vehicle circulation that provide a pedestrian-friendly environment with strong connectivity to adjacent commercial and office areas.
- A-3. The Public Works Department has reviewed the proposed tentative map and found it consistent with the Newport Beach Subdivision Code (Title 19) and applicable requirements of the Subdivision Map Act.
- A-4. Conditions of approval have been included to ensure compliance with Title 19.

Finding:

B. That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

The site is relatively flat and based on the Geotechnical Engineering Services Report prepared by Professional Service Industries, Inc. on August 24, 2012, the site is safe and suitable for development. The site is located within the Orange County coastal plain and underlain by Quaternary alluvial and fluvial sedimentary deposits and the area of the subject site is considered seismically active. Groundwater was measured at approximately 5feet below existing grade on-site. The Geotechnical Report prepared for the project site indicates the near surface soils have a very low expansion potential. The Geotechnical Report identified the following issues that will affect the construction of the development: surface and subsurface disturbance during clearing and demolition, shallow groundwater, potentially liquefiable soils, and soft soil deposits which will require the use of a deep foundation system. A deep foundation system is also recommended to address the presence of soft compressible soils and the shallow water table of the project site. The Geotechnical Report provides additional recommendations for construction of the proposed project to ensure the suitability for the proposed development that will be required for construction.

- B-2. The 1.2 acre site is large enough to accommodate 23 units while providing sufficient landscape setback and open space areas as well as vehicle access and guest parking areas that meet applicable standards. The existing developed site is devoid of natural resources and it is located in an area that provides adequate access to roadways and utilities.
- B-3. The General Plan estimates that future traffic noise exposure will be 60 dB CNEL to the nearest residential facades to Via Lido and identifies that residential uses are clearly compatible or normally compatible with the 60 dB CNEL. With appropriate noise control measures under conventional construction and design of the proposed project (e.g., closed windows, fresh air supply systems or air conditioning), the interior noise levels would comply with the City and State interior noise standard of 45 dB CNEL for residential units.

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

- C-1. Under existing conditions, the project site and surrounding land areas are fully developed with urban uses and do not contain sensitive biological resources. The vegetation that occurs on-site is ornamental in nature, including trees and ornamental shrubs, groundcover, and vines growing on the existing building's facades and screen walls.
- C-2. No drainages traverse the property and no potential jurisdictional waters or wetlands areas are present on or immediately adjacent to the site.
- C-3. A Mitigated Negative Declaration (MND) was prepared for the proposed project and impacts to biological resources were not identified in the initial study analysis. Thus, mitigation measures for biological resources are not required to ensure the protection of fish, wildlife, or their habitat. On the basis of the entire environmental review record, the proposed Project will have a less than significant impact upon the environment with the incorporation of mitigation measures for air quality, cultural resources, and hazards & hazardous materials. The mitigation measures identified in the MND are feasible and reduce potential environmental impacts to a less than significant level. The mitigation measures would be applied to the Project through the Mitigation, Monitoring and Reporting Program.

Finding:

D. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Facts in Support of Finding:

- D-1. At full build-out, the residential project will decrease Green House Gas ("GHG") emissions when compared to existing uses, as documented in the MND.
- D-2. Mitigation measures identified in the MND reduce potential impacts associated with air quality, cultural resources, hazards & hazardous materials to a level that is less than significant.
- D-3. No evidence is known to exist that would indicate that the planned subdivision pattern will generate any serious public health problems.
- D-4. All construction for the project will comply with Building, Public Works, and Fire Codes. Public improvements will be required of the developer per Section 19.28.10 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Facts in Support of Finding:

E-1. Public improvements, consisting of retrofitted curb drains, roadway surfacing along Via Malaga and Via Oporto, and ADA curb ramps along the Via Lido, Via Malaga, and Via Oporto frontages will be required of the applicant per the Municipal Code and the Subdivision Map Act. Each residential unit would be required to provide separate sewer and water connections to a new main within the project site that will connect to an existing main in Via Lido.

E-2. Existing sewer and utilities easements on-site would be abandoned as part of the tract map. The tract map will establish new emergency access easements and utility easements to accommodate the location of new structures as part of the development. The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.

Finding:

F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

Facts in Support of Finding:

F-1. The project site does not contain prime farmland, unique farmland, or farmland of statewide importance and no portion of the Project site is covered by a Williamson Act contract.

Finding:

G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

G-1. The project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land nor is it located within the boundaries of a specific plan.

Finding:

H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

Facts in Support of Finding:

H-1. The proposed Tentative Tract Map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Community Development Department enforces Title 24 compliance through the plan check and inspection process.

Finding:

I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

Facts in Support of Finding:

I-1. There are no existing dwelling units on the project site. Rather the proposed project includes the construction of 23 new condominium units to contribute to the City's share of the regional housing need, 7 units above what is planned for within the General Plan. The applicant will be responsible for the payment of appropriate fair share, housing in-lieu, and park for the development of these new dwelling units as conditions of approval.

Finding:

J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.

Facts in Support of Finding:

- J-1. A National Pollutant Discharge Elimination System (NPDES) permit is required from the Regional Water Quality Control Board (RWQCB) for the proposed construction activities. A permit is required for all construction activities that include clearing, grading, and/or excavation that disturb at least one acre of total land area. Additionally, a Water Quality Management Plan (WQMP) has been prepared, pursuant to the requirements of the NPDES permit.
- J-2. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities, which would specify the Best Management Practices (BMP's) that the project would be required to implement during construction activities to ensure that all potential pollutants of concern

- (including sediment) are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.
- J-3. Sewer connections have been conditioned to be installed per City Standards, the applicable provisions of Chapter 14.24 (Sewer Connection, Permits), and the latest revision of the Uniform Plumbing Code.
- J-4. There is adequate sewer system capacity to serve the requirements of the proposed Project. The proposed Project would be able to tie into the existing sewer system without adversely affecting the system, causing any water quality affects, or violating existing requirements prescribed by the Regional Water Quality Control Board. Wastewater from the project will be generated by residential build-out. There will be a reduction in wastewater from the site with the demolition of the existing commercial building and construction of the proposed dwelling units.

Finding:

K. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.

Facts in Support of Finding:

K-1. The project site is located within the Coastal Zone. The applicant is requesting a Coastal Land Use Plan amendment for the parcel at 3303 Via Lido to accommodate the proposed development. The land use amendment and subsequent coastal development permit (CDP) requests will be reviewed by the California Coastal Commission following City Council approval of the proposed project. The proposed RM-D land use category does not significantly reduce opportunities for coastal-related, coastal-dependant, or visitor-serving land uses in the Lido Village neighborhood. The project is consistent with the proposed Multiple-Unit Residential (RM-D) Coastal Land Use Plan land use amendment for 3303 Via Lido. Coastal access is not inhibited as the project site is an inland parcel and is not designated for present or future horizontal or lateral coastal access.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission hereby recommends that the City Council of the City of Newport Beach adopt Mitigated Negative Declaration No. ND2013-001 as depicted in Exhibit "A" and Mitigation Monitoring Report Program as depicted in Exhibit "B" of this resolution.

- 2. The Planning Commission hereby recommends that the City Council of the City of Newport Beach approve General Plan Amendment No. GP2012-005 as depicted in Exhibit "C", changing the land use designation of 3303 Via Lido from Private Institutions (PI) to Multiple-Unit Residential (RM, 20 du/ac)
- 3. The Planning Commission hereby recommends that the City Council of the City of Newport Beach approve Coastal Land Use Plan Amendment No. LC2013-001 as depicted in Exhibit "D", changing the land use designation from Private Institutions (PI-B) to Multiple-Unit Residential (RM-D).
- 4. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of Zoning Code Amendment No. CA2012-008 as depicted in Exhibit "E", changing the Zoning designation of 3303 Via Lido from PI (Private Institutions) to PC (Planned Community) and changing 3355 Via Lido from RM, 2178 (Multi-Unit Residential) to PC, waiving the 10 acre minimum PC area requirement, and adopting the Lido Villas Planned Community Text as set forth in Exhibit "E".
- 5. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of Site Development Review No. SR2013-001 and Tentative Tract Map No. NT2013-001, subject to the conditions of approval set forth in Exhibit "F".

PASSED, APPROVED AND ADOPTED THIS 22nd_5th_DAY OF AUGUSTSEPTEMBER, 2013.

ATLS.
NOES:
ABSTAIN:
ABSENT:
BY:
Bradley Hillgren, Chairman
BY:
Kory Kramer, Secretary

VEC.

Exhibit "A"

Mitigated Negative Declaration MND SCH No. 2010071050

(Available separate due to bulk)
http://www.newportbeachca.gov/index.aspx?page=1347

Exhibit "B"

Mitigation Monitoring Report Program



6.0 Mitigation Monitoring and Reporting Program

THRESHOLD		MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	Implementation Stage	LEVEL OF SIGNIFICANCE AFTER MITIGATION			
Air Quality								
Threshold 4: During construction of the proposed Project, maximum daily combined emissions for, PM ₁₀ and PM _{2.5} emissions have the potential to exceed the LSTs before application of best management practices and mitigation measures.	MM AQ-I	Prior to grading permit issuance, the City shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Newport Beach staff to confirm compliance. These notes also shall be specified in bid documents issued to perspective construction contractors. The following notes shall be included on the grading plan and in construction bid documents to implement SCAQMD Rule 403: • The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three (3) times a day, preferably in the midmorning, afternoon, and after work is done for the day. • The construction contractor shall ensure that all construction vehicles hauling earth materials or demolition debris use covers on any material to prevent the emission of dust during material transport. • Disturbed areas shall be replanted as	Project Applicant, Construction Contractor / City of Newport Beach Building Division	Prior to grading permit issuance, prior to commencement of construction and during construction	Less than Significant			



THRESHOLD		MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	Implementation Stage	LEVEL OF SIGNIFICANCE AFTER MITIGATION
		soon as practical following grading, if such areas will not immediately be paved or covered with buildings. The contractor shall ensure that traffic speeds on all unpaved surfaces of the Project site are reduced to 15 miles per hour or less.			
	MM AQ-2	Prior to grading permit issuance, the City shall verify that a note is included on the grading plan requiring a sign be posted on-site that restricts the idling of diesel engines to less than five minutes. The sign shall be installed before construction activities commence and remain in place during the duration of construction activities. Project contractors shall be required to ensure compliance with idling restriction and permit periodic inspection of the construction site by City of Newport Beach staff to confirm compliance. The idling restriction also shall be specified in bid documents issued to prospective construction contractors.	Project Applicant, Construction Contractor / City of Newport Beach Building Division	Prior to grading permit issuance, prior to commencement of construction and during construction	
Cultural Resources		T - P			
Threshold 2: Although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities.	MM CR-I	Prior to the issuance of grading permits, the City shall verify that the following note is included on the grading plan(s). "If suspected archaeological resources are encountered during ground-disturbing construction activities, the construction contractor shall temporarily halt work in a 100-foot radius around the find until a qualified archaeologist can be called to the site to assess the significance of the find,	Project Applicant, Construction Contractor and (if required) Project Archaeologist / City of Newport Beach Building Division and Planning Division	Prior to issuance of grading permits and during grading	Less than Significant



Threshold		MITIGATION MEASURES	RESPONSIBLE PARTY I MONITORING PARTY	Implementation Stage	LEVEL OF SIGNIFICANCE AFTER MITIGATION
		and, if necessary, develop appropriate			
		treatment measures in consultation with			
		the City of Newport Beach."			
		The grading contractor shall be			
		responsible for complying with the note.			
		If the archaeologist determines that the			
		find does not meet the CEQA standards			
		of cultural significance, construction shall			
		be permitted to proceed. However, if the			
		archaeologist determines that further			
		information is needed to evaluate			
		significance, the City of Newport Beach			
		shall be notified and a data recovery plan			
		shall be prepared in consultation with the			
		City, which may include the			
		implementation of a Phase II and/or III			
		archaeological investigation per City			
		guidelines. All significant cultural			
		resources recovered shall be			
		documented on California Department of			
		Parks and Recreation Site Forms to be			
		filed with the California Historical			
		Resources Information System South			
		Central Coastal Information Center			
		(CHRIS-SCCIC). The archaeologist shall incorporate analysis and interpretation of			
		any significant find(s) into a final Phase IV			
		report that identifies the level of			
		significance pursuant to Public Resources			
		Code § 21083.2(G). The Project			
		Applicant, in consultation with the			
		archaeologist and the City, shall designate			
		repositories in the event that resources			
		are recovered.			
Threshold 3: Although unlikely,	MM CR-2	Prior to the issuance of grading permits,	Project Applicant,	Prior to issuance of	Less than Significant



THRESHOLD		MITIGATION MEASURES	RESPONSIBLE PARTY I MONITORING PARTY	Implementation Stage	LEVEL OF SIGNIFICANCE AFTER MITIGATION
there is a remote possibility that paleontological resources could be encountered during site grading activities.		the City shall verify that the following note is included on the grading plan(s). "If suspected paleontological resources (fossils) are encountered during ground-disturbing construction activities, the construction contractor shall temporarily halt ground-disturbing activities within 100 feet of the find until a qualified paleontologist can be called to the site to assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with the City of Newport Beach."	Construction Contractor, and (if required) Project Archaeologist / City of Newport Beach Building Division and Planning Division	grading permits and during grading	
		The grading contractor shall be responsible for complying with the note. At the paleontologist's discretion, the construction contractor may assist in removing rock samples for initial processing. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Newport Beach shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction.			
Hazards/Hazardous Materials					
Threshold I and 2: The existing buildings on the site that would be demolished as part of the	MM HM-I	The City of Newport Beach shall condition all demolition permits to comply with South Coast Air Quality	Project Applicant, Construction Contractor, Asbestos-	Prior to issuance of demolition permits and during	Less than Significant



THRESHOLD		MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Project contain friable asbestos materials and materials coated with lead-based paint, both of which have the potential to expose construction workers and/or nearby sensitive receptors to health risks during demolition activities. Asbestoscontaining materials and materials containing lead-based paints have the potential to create a significant hazard to the public or the environment.		Management District (SCAQMD) Rule 1403 with respect to asbestos containing materials and the demolition contractor shall be required to comply with Rule 403. All asbestos-related work conducted during the demolition process shall be performed by a licensed Asbestos-abatement Contractor under the supervision of a certified Asbestos Consultant. Asbestos-containing construction materials (ACCMs) shall be removed and disposed of in compliance with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks. During demolition, the demolition contractor shall maintain all records of compliance with Rule 1403, including, but not limited to, the following: evidence of notification of SCAQMD pursuant to Rule 1403; contact information for the Asbestos-abatement Contractor and Asbestos Consultant; and receipts (or other evidence) of off-site disposal of all ACCMs. These records shall be made available for City inspection upon request.	abatement Contractor / City of Newport Beach Building Division	demolition	
	MM HM-2	The City of Newport Beach shall condition all demolition permits to comply with Title 17, California Code of Regulations (CCR), Division 1, Chapter 8 (LBP Regulations), which addresses requirements for the removal of components painted with lead-based paint (LBP) during demolition of existing	Project Applicant, Construction Contractor, and Certified Lead Supervisor / City of Newport Beach Building Division	Prior to issuance of demolition permits and during demolition	



Threshold	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	Implementation Stage	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	structures. The demolition contractor shall be required to comply with these provisions. Notification to the California Department of Public Health (CDPH) shall be conducted through completion of an Abatement of Lead Hazards Notification, CDPH Form 8551. The removal of all LBP materials shall be conducted:			
	 By a Certified Lead Supervisor or Certified Lead Works, as defined by §§ 35008 and 35009 of the LBP Regulations, respectively; In accordance with the procedures specified in Chapter 12: Abatement, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, June 1995; Using containment and in a manner 			
	which does not result in contamination of non-work areas with lead-contaminated dust, lead-contaminated soil, or lead-based paint debris; and			
	 In accordance with an abatement plan prepared by a certified lead supervisor, certified lead project monitor, or certified lead project designer, which includes all of the requirements as specified in § 36100(4)(A) of the LBP Regulations 			
	The Certified Lead Supervisor			



Threshold	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	conducting abatement shall retain records of the notification to the CDPH, and shall retain a copy of the abatement plan on-site at all times during demolition activities. The notification and abatement plan shall be made available to the City upon request for review. All demolition activities shall be subject to inspection by the CDPH and/or City officials to ensure compliance with the requirements of the LBP Regulations and abatement plan. Following completion of all abatement activities, a clearance inspection shall be conducted by a certified lead inspector/assessor or certified lead project monitor in accordance with §§ 36000(a) and 36000(c)(3) of Title 17, CCR, Division 1, Chapter 8. A copy of the results of the clearance inspection shall be provided to the City Planning Division upon completion of abatement and inspection activities.			

Exhibit "C" General Plan Land Use Map Amendment

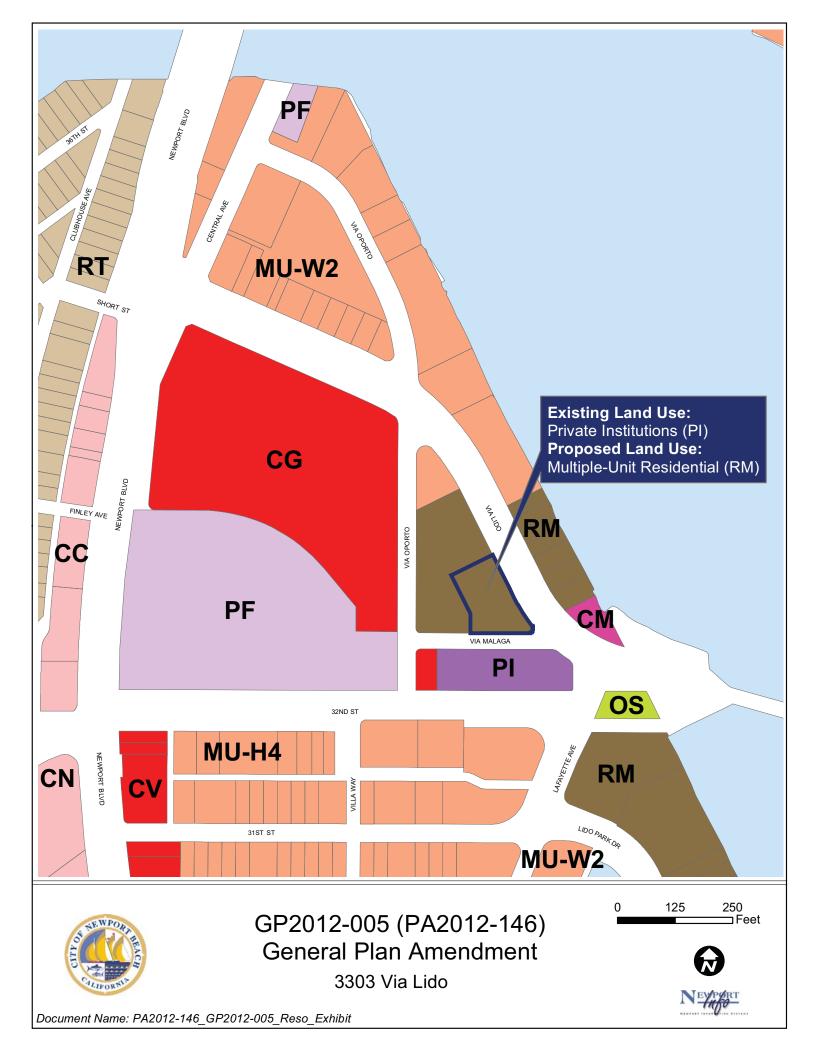


Exhibit "D" Coastal Plan Land Use Plan Amendment

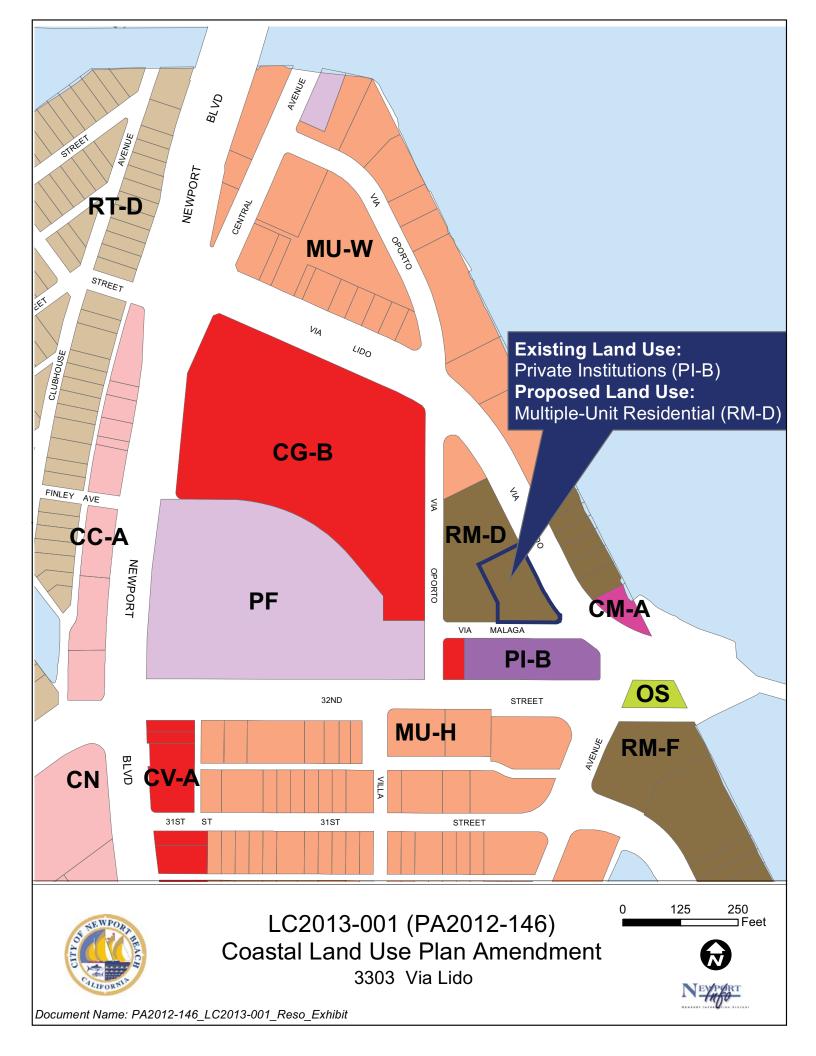


Exhibit "E"

Zoning Map Amendment And Lido Villas Planned Community Text

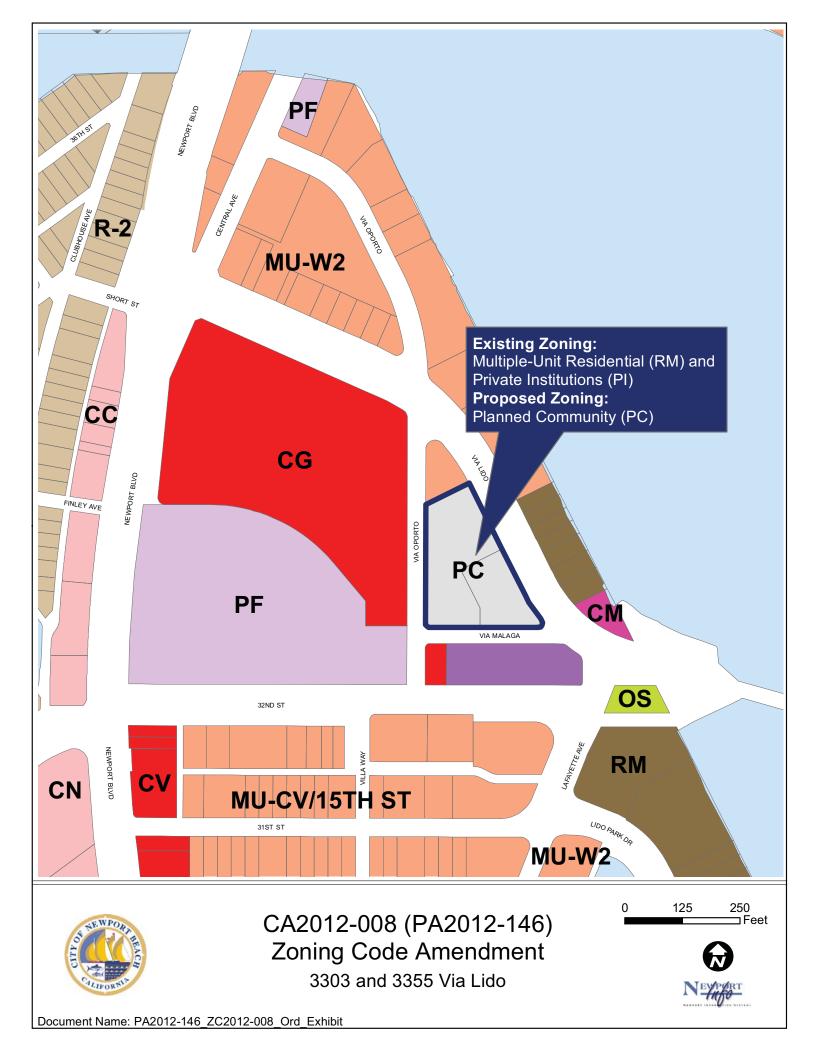


EXHIBIT "F"

CONDITIONS OF APPROVAL

Site Development Review Conditions

- 1. The development shall be in substantial conformance with the approved site plan, floor plans, materials board, and building elevations stamped and dated with the date of this approval. (Except as modified by these conditions of approval.)
- This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 3. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agentselling broker.
- 4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 5. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
- 6. Prior to the issuance of building permits, Fair Share Traffic Fees shall be paid for the new dwelling units (currently \$2,359.00 per new additional dwelling unit) in accordance with Chapter 15.38 of the Newport Beach Municipal Code. The applicant shall be credited for the reduction in commercial square footage and the remaining balance shall be charged or credited to the applicant.
- 7. <u>Prior to issuance of building permits</u>, approval from the California Coastal Commission shall be required for the Coastal Land Use Plan Amendment and Coastal Development Permit for the development of 23 residential dwelling units.
- 8. The applicant shall comply with all project design features, mitigation measures, and standard conditions contained within the approved mitigation monitoring reporting program (MMRP) of MND SCH No. 2010071050 for the project.
- 9. Development of the project shall comply with the development standards and requirements of the Lido Villas Planned Community Development Plan and be in substantial conformance with the approved Tentative Tract Map No. 174555 dated May 16, 2013.

- 10. The floor plans and building envelopes for each residential unit are approved as precise plans, unless revisions are approved by the Community Development Director. Future floor area additions to the building envelopes shall be prohibited. The proposed open patio and deck areas for each unit shall not be permitted to be enclosed and the landscape and common open space areas proposed throughout the development site shall be preserved.
- 11. A total of 46 enclosed garage parking spaces and 12 ground level guest parking spaces shall be provided within the as illustrated on the approved plans.
- 12. Prior to the issuance of building permits, the project plans shall provide an 8-foot 2-inch minimum clearance below the second story overhangs above the interior drive aisles. Note that Van Accessible height requirements shall be met within the drive aisles. The plans shall identify the width of the drive aisle around the site that is unconstrained (i.e. open to the sky).
- 13. Prior to the issuance of building permits, documents/plans shall be submitted demonstrating compliance with the requirements of Chapter 14.17 (Water-Efficient Landscaping Ordinance) of the Municipal Code. Plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division and the Municipal Operations Department. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor. Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.
- 14. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
- 15. <u>Prior to the final of building permits,</u> the applicant shall schedule an inspection by the Planning Division to confirm that all landscaping was installed in accordance with the approved landscape plan
- 16. <u>Prior to the issuance of building permits</u>, a National Pollutant Discharge Elimination System (NPDES) permit shall be obtained from the Regional Water Quality Control Board (RWQCB) for the proposed construction activities.

- 17. Water leaving the project site due to over-irrigation of landscape shall be minimized. If an incident such as this is reported, a representative from the Code and Water Quality Enforcement Division shall visit the location, investigate, inform and notice the responsible party, and, as appropriate, cite the responsible party and/or shut off the irrigation water.
- 18. Water should not be used to clean paved surfaces such as sidewalks, driveways, parking areas, etc. except to alleviate immediate safety or sanitation hazards
- 19. Prior to the issuance of building permits, the applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Division. The survey shall show that lighting values are one-foot-candle or less at all property lines. Higher lighting levels are subject to the review and approval of the Community Development Director where it can be shown to be in compliance with the purpose and intent of the Outdoor Lighting section of the Zoning Code.
- 20. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
- 21. All mechanical appurtenances (e.g. air conditioning, heating ducts and exhaust vents, swimming pool and spa pumps and filters, transformers, utility vaults and emergency power generators) shall be screened from public view and adjacent land uses. All rooftop equipment shall be architecturally treated or screened from off-site views in a manner compatible with the building materials prior to final building permit clearance for each new or remodeled building. The mechanical appurtenances shall be subject to sound rating in accordance with the Section 10.26.025 (Exterior Noise Standards) of the Newport Beach Municipal Code. Rooftop screening and enclosures shall not exceed 35 feet 4 inches above the existing grade.
- 22. All trash shall be stored within the buildings for residential uses and screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
- 23. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
Location	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

- 24. Construction activities shall comply with Section 10.28.040 (Construction Activity-Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
- 25. Storage outside of buildings in any parking areas, landscape areas, or setback areas shall be prohibited.
- 26. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 27. A copy of these conditions of approval shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
- 28. <u>Prior to the issuance of a building permit</u>, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
- 29. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
- 30. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Lido Villas including, but not limited to, General Plan Amendment No. GP2013-005, Coastal Land Use Plan Amendment No. LC2013-001, Zoning Code Amendment No. CA2012-008, Site Development Review No. SD2013-001, and Tract Map No. NT2013-001, and Mitigated Negative Declaration No. ND2013-001 (PA2013-146). This indemnification shall include, but not be limited to, damages awarded against

the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department Conditions

- 31. Emergency access will be required for the project which will include the drive aisle which runs through the middle of the project. A site plan must be submitted with the architectural drawings which indicate the proposed emergency access roadway. The roadway should also include locations of existing and proposed fire hydrants, and how the fire lane will be marked, "No Parking Fire lane". Please refer to Newport Beach Guideline C.01 and C.02 for fire lane requirements and approved marking of fire lane.
- 32. Automatic fire sprinklers shall be required for all new construction. The sprinkler system shall be monitored by a UL certified alarm service company. A sprinkler system NFPA 13R is proposed. Each unit will have its individual riser.
- 33. Fire Department connections are required to be located within 150 feet of a public hydrant.
- 34. Smoke detectors are required and are to be located as per the California Building Code.

Building Division Conditions

- 35. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
- 36. <u>Prior to the issuance of building permits</u>, a minimum of three ADA units shall be provided with one ADA unit for each type of unit.
- 37. <u>Prior to the issuance of building permits</u>, accessible parking shall be provided within the common parking area.
- 38. <u>Prior to the issuance of building permits</u>, an accessible route from the public sidewalk, street, public transportation, parking and passenger loading shall be clearly identified, and accessible parking shall be shown on the final approved site plan. Accessible signage shall be clearly noted on the plan check submittal.

- 39. <u>Prior to the issuance of building permits</u>, a 3-foot landing shall be provided on each side of the upper level door serving the roof deck.
- 40. Egress from the roof deck shall comply with the applicable code. The floor area of the roof deck shall be included for the purpose of egress analysis.
- 41. <u>Prior to the issuance of building permits</u>, mechanical units shall comply with sound rating requirements.
- 42. Spa weight shall be considered in the lateral loading for the building. Where the railing is less than 3 feet from edge of roof deck, the railing shall be 42 inches above the spa edge.
- 43. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage car pooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10 percent soil moisture content in the top 6-inch surface layer, subject to review/discretion of the geotechnical engineer.
- 44. <u>Prior to the issuance of grading permits</u>, a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to comply with the General Permit for

Construction Activities shall be prepared, submitted to the State Water Quality Control Board for approval and made part of the construction program. The project applicant will provide the City with a copy of the NOI and their application check as proof of filing with the State Water Quality Control Board. This plan will detail measures and practices that will be in effect during construction to minimize the project's impact on water quality.

- 45. Prior to issuance of grading permits, the applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the proposed project, subject to the approval of the Building Division and Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.
- 46. A list of "good house-keeping" practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.

Tract Map Conditions

- 47. Prior to recordation of the tract mapthe issuance of building permits, Park Fees shall be paid for the 23 new dwelling units (currently \$26,125.00 per unit) in accordance with City Council Resolution No. 2007-30.
- 48. Prior to the issuance of building permitsrecordation of the tract map, an In-Lieu Housing fee for 23 new dwelling units (currently \$26,359.00 per new additional dwelling unit) shall be paid in accordance with City Council Resolution No. 2010-44.

48.

49. A parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAVD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange county Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD standards. Scanned images will not be accepted.

- 50. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Section's 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
- 51. All improvements shall be constructed as required by Ordinance and the Public Works Department.
- 52. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Via Oporto, Via Malaga, and Via Lido frontages.
- 53. All existing drainage facilities in the public right-of-way, including the existing curb drains along Via Oporto, Via Malaga, and Via Lido frontage shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements.
- 54. Via Malaga and Via Oporto are part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.TR.
- 55. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
- 56. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanouts hall be installed with a traffic-grade box and cover. Water meter and the sewer cleanout shall be located within the public right-of-way or public utilities easement.
- 57. An encroachment permit is required for all work activities within the public right-of-way.
- 58. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130. Proposed accent palm landscaping at the corner of Via Malaga and Via Oporto does not meet STD-110-L.
- 59. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
- 60. All on-site drainage shall comply with the latest City Water Quality requirements.

- 61. The new public utilities easement shall be aligned with the corner of the units' overhang to allow water meters to be as close to the unit and out of large vehicular traffic. Each sewer lateral shall have a corresponding sewer cleanout per STD-406-L. Sewer cleanouts and water meters shall be placed along the edge and within the utilities easement.
- 62. AMR (Automated Meter Reading) water meters shall be installed at owner's cost.
- 63. Project shall maintain a looped system through the project site. The water line shall connect to the 6-inch main Via Malaga.
- 64. Service lines shall be a minimum of 10 inches and City does not permit half sized lines.
- 65. Irrigation and meter fire service, if proposed, shall be protected by a City approved backflow assembly.
- 66. Lampholes shall be installed at all main line dead ends.
- 67. All unused sewer laterals shall be capped at property line.
- 68. All unused water services shall be capped at main (corporation stop).
- 69. No trees shall be planted within public utilities easement.
- 70. Water and sewer mains shall have a minimum separation of 10 feet.
- 71. Water services and sewer laterals shall have a minimum separation of 5 feet.
- 72. A total of 30 on-street parking spaces shall be maintained around the project site. To maintain the existing number of parking spaces, relocation of the existing fire hydrant on Via Malaga is necessary, as well as, shifting the three parking spaces near the corner of Via Malaga toward Via Lido.
- 73. The relocation of the project driveway on Via Oporto will require a street light relocation. Install a new street light per City Standard. New street lights shall match the existing street lights in the surrounding area.
- 74. Remove all non-standard improvements within the public right-of-way (i.e. non-standard sidewalks and brick paving). Reconstruct the improvements per City Standard.
- 75. Edison vents along Via Malaga shall be relocated as part of the proposed project. One vent is located within the project's proposed driveway.

- 76. ADA compliant sidewalks are required around the proposed project. In constrained areas (i.e. meter posts, street lights, Edison vents, fire hydrants, proposed planter boxes, curb ramps, etc.), pedestrian easements may be required to accommodate ADA path of travel (4-foot-wide minimum).
- 77. Any non-standard improvements within the easement areas requires an Encroachment Agreement with the City.
- 78. Construct a new ADA curb ramp at the corners of Via Malaga/Via Lido and Via Malaga/Via Oporto per City Standard STD-181-L. An easement for sidewalk purposes may be required to accommodate an ADA compliant curb ramp at the Via Malaga/Via Oporto intersection.
- 79. Tree types and sizes shall be clearly identified on plans.
- 80. County Sanitation District fees shall be paid prior to the issuance of any building permits.
- 81. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division. Building permits for structures located across the existing property lines shall not be issued until the tract map has been recorded.
- 82. Subsequent to recordation of the Tract Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this permit is finaled. The building permit for the new construction shall not be finaled until after recordation of the Tract Map.
- 83. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than 4 inches in height with a one-inch-wide stroke. The Planning Department Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
- 84. Tentative Tract Map No. 17555 shall expire 24 months from the date of approval pursuant to NBMC Chapter 19.16.010, unless an extension is otherwise granted by the City for the period of time provided for in the Development Agreement pursuant to the provisions of California Government Code Section 66452.6(a).

- 85. New development within the project site shall be subject to the state-mandated school fees and Santa Ana Unified School District Measure G and C general obligation taxes based upon assessed value of the residential and commercial uses.
- 86. Prior to Final Map approval, the applicant shall submit draft Covenants

 Conditions and Restrictions (CC&Rs) that are prepared by an authorized professional for review and approval by the Director of Community Development and City Attorney, which will be recorded concurrently with the Final Map, and which will generally provide for the following:
 - a. Creation of a Master Association, and/or Sub-associations, for the purpose of providing for control over and long term maintenance at the expense of the Master Association and/or Sub-associations of the common area improvements. A provision shall be included that internal project circulation areas, sidewalks, paths, drive aisles, common landscape areas and irrigation, community walls and fencing, sewer laterals, water laterals, common utilities not maintained by the utility provider, and drainage facilities are private and shall be maintained by, and at the expense of the Master Association unless otherwise approved by the Director of Public Works.
 - b. A provision that the architecture and exterior building materials of the dwelling units shall maintain a quality, color, and type consistent with the original project approval.
 - c. A provision that residents shall park only operable vehicles within the parking garage that are in active use (i.e. no long term storage of vehicles).
 - d. A provision that all homeowners and residents will be provided, prior to purchase closing or upon signing of rental agreement, the information and requirements for water conservation pursuant to NBMC Chapter 14.16, Water Conservation and Supply Level Regulations.
 - e. A provision that all appropriate written notifications shall be provided to all initial and subsequent buyers, lessees, and renters within the Lido Villas project notifying them that the area is subject to noise from existing land uses, traffic on Via Lido, and construction within the project and surrounding areas, and as a result, residents and occupants of buildings may experience inconvenience, annoyance, or discomfort arising from noise.
 - f. Information to be provided to future residents that uses and structures are subject to the requirements of the approved Lido Villas Planned Community Development Plan.

- g. Provisions that the following recordation of the Final Map, the Association formed for the subdivision shall submit to the Community Development director a list of all current Officers of the Association after each election.
- h. A provision requiring that proposed amendments to the CC&Rs shall be submitted for review to the Community Development Director or designee, and shall be approved by the city Attorney prior to the amendments being valid.
- a-i. A provision that the City is a third-party beneficiary to the CC&R's and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs.



Attachment No. PC 2

Revised Draft Planned Community Development Plan

LIDO VILLAS

Planned Community Development Plan

Date: May 16, 2013

Ordinance No. 2013-Adopted _____

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1.0 INTRODUCTION AND PURPOSE

The Lido Villas Planned Community Development Plan (P) is composed of 23 single family residential townhomes, totaling 63,592 square feet. It is located on the site across from the current City Hall building and bounded by Via Lido, Via Oporto and Via Malaga. The vision laid out in the City's Lido Village Concept Plan is that this parcel is to be part of a vibrant gateway village in the heart of the peninsula. The PCDP has been developed in accordance with the Newport Beach General Plan and is consistent with the Local Coastal Land Use Plan.

The purpose of this PCDP is to provide for the classification and development of coordinated, cohesive, comprehensive planning project with 23 single-unit residential townhomes called Lido Villas.

Whenever the regulations contained in the PCDP conflict with the regulations of the Newport Beach Municipal Code, the regulations contained in the PCDP shall take precedence. The Newport Beach Municipal Code shall regulate all development within the PCDP when such regulations are not provided within the PCDP Regulations.

2.0 GENERAL CONDITIONS AND REGULATIONS

1. Archaeological/Paleontological Resources

Development of the site is subject to the provisions of City Council Policies K-4 and K-5 regarding archaeological and paleontological resources.

2. Architectural Design

All development shall be designed with high quality architectural standards and shall be compatible with the surrounding uses. The development should be well-designed with coordinated, cohesive architecture and exhibiting a high level of architectural and landscape quality in keeping with the PCDP's prominent location on the Balboa Peninsula. Massing offsets, variation of roof lines, varied textures, openings, recesses, and design accents on all building elevations shall be provided to enhance the architectural style. Architectural treatments for all ancillary facilities shall be provided.

The residential dwelling units shall maintain an architectural theme consistent with a Modern interpretation of Coastal architectural themes, drawing inspiration from yachts in the adjacent Newport Harbor and coastal warehouses found within Lido Village. Buildings shall incorporate a mix of high quality building materials including stained cedar panels, concrete composite panels in cool white or gray colors, and glass quardrails incorporating wooden handrails or a striped glazing pattern.

3. Building Codes

Construction shall comply with applicable provisions of the California Building Code and the various other mechanical, electrical and plumbing codes related thereto as adopted by the Newport Beach Municipal Code.

4. Flood Protection

Development of the subject property will be undertaken in accordance with the flood protection policies of the City.

5. Grading and Erosion Control

Grading and erosion control measures shall be carried out in accordance with the provisions of the Newport Beach Excavation and Grading Code and shall be subject to permits issued by the Community Development Department.

6. Gross Floor Area

Gross floor area shall be defined as the total area of a building including the surrounding exterior walls.

7. Height and Grade

The current site design for the proposed project includes 23 townhome units with flat roof and heights that vary between 31 feet 10 inches (top of roof and roof deck), 35'-4" (top of guardrail) and 39' (top of architectural feature and stairwell to the roof), 350 SF of area for the Harbor Unit and 200 SF of area for the Island Unit) measured from existing grade shown on the topographic survey prior to development of the site.

The architectural feature allows for a varied and interesting roofline as well as providing access and privacy to the outdoor living areas on the roof. The height of any structure within the PCDP shall not exceed thirty nine (39) feet, unless otherwise specified. The height of a structure shall be the vertical distance between the highest point of the structure and the grade directly below.

8. Landscaping/Irrigation

Landscaping and irrigation shall be provided in all areas not devoted to structures, parking lots, driveways, walkways, private patios, and common area patios to enhance the appearance of the development, reduce heat and glare, control soil erosion, conserve water, screen adjacent land uses, and preserve the integrity of PCDP. Landscaping and irrigation shall consist of a combination of trees, shrubs, groundcover and hardscape improvements. Landscaping shall be prepared in accordance with the Landscaping Standards and Water-Efficient Landscaping Sections of the Newport Beach Municipal Code and installed in accordance with the approved landscape plans prepared by a licensed landscape architect.

8. Fences and Walls

Fences, hedges and walls shall be in accordance with the Newport Beach Municipal Code Property Development Standards. Such elements shall not exceed forty-two (42) inches in height within the front setback. Where a nonresidential zoning district abuts a residential zoning district, a solid masonry wall a minimum of six (6) feet in height shall be required per the Newport Beach Municipal Code Property Development Standards Section 20.30.040.

9. Lighting – Outdoor

All new outdoor lighting shall be designed, shielded, aimed, located and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical engineer. All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans.

11. Lighting - Parking & Walkways

All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans. Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining uses/properties and roadways.

Parking lots and walkways accessing buildings shall be illuminated with a minimum of 0.5 foot-candle average on the driving or walking surface. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical engineer.

If the applicant wishes to deviate from this lighting standard, a lighting plan may be prepared by the applicant and submitted to the Community Development Director for review and approval.

12. Parking Areas

Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas of the parking lots shall be kept free of dust, graffiti, and litter. All components of the parking areas including striping, paving, wheel stops, walls, and light standards of the parking lots shall be permanently maintained in good working condition. Access, location, parking space and lot dimensions, and parking lot improvements shall be in compliance with the Development Standards for Parking Areas Section of the Newport Beach Municipal Code.

13. Sewage Disposal

Sewage disposal service facilities for the PCDP will be provided by the City of Newport Beach and shall be subject to applicable regulations, permits and fees as prescribed by the City.

14. Screening of Mechanical Equipment

All new mechanical appurtenances (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers, utility vaults and emergency power generators) shall be screened from public view and adjacent land uses. The enclosure design shall be approved by the Community Development Department. All rooftop equipment (other than vents, wind turbines, etc.) shall be architecturally treated or screened from off-site views in a manner compatible with the building materials prior to final building permit clearance for each new or remodeled building. The mechanical appurtenances shall be subject to sound rating in accordance with the Exterior Noise Standards Section of the Newport Beach Municipal Code. Rooftop screening and enclosures shall be a maximum of 35'-4"feet above finished grade in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

15. Temporary Structures and Uses

Temporary structures and uses, including modular buildings for construction-related activities are permitted.

16. Trash Container Storage for Residential Dwellings

Trash container storage shall be located within each individual dwelling unit in a designated storage area. Trash collection will occur along the interior driveway of the Lido Villas property and will be provided by the City of Newport Beach. Each unit will place their trash along the edge of the interior driveway for collection.

17. Water Service

Water service to the PCDP will be provided by the City of Newport Beach and will be subject to applicable regulations, permits and fees as prescribed by the City.

3.0 LAND USE AND DEVELOPMENT REGULATIONS

3.1. LIDO VILLAS

Refer to Exhibit A - Conceptual Site Plan for the general location and placement of the townhomes.

1. Number of Units

The maximum allowable number of single-family residential units shall be twenty three (23) at a density of 20 dwelling units/ gross acre.

2. Permitted Uses

- a. Condominiums
- b. Recreation facilities ancillary to residential uses
- c. Parking lots Accessory structures and uses
- d. Short-term lodging
- e. Adult day care, small (6 or fewer)
- f. Child day care, small (8 or fewer)
- g. Animal keeping per Section 20.48.040 (Animal-Keeping) of the Zoning Code
- e.h. Personal property sales per Section 20.48.150 (Outdoor Storage, Display, and Activities) of the Zoning Code

Conditionally Permitted Uses

- a. Large Adult Day Care-7 to 14 per Section 20.48.070 (Day Care Facilities-Adult and Child) with a Minor Use Permit
- b. Large Child Care-9 to 14 per Section 20.48.070 (Day Care Facilities-Adult and Child) with a Minor Use Permit
- c. Parking Facility
- d. Utilities, major (CUP)

Conditionally Permitted Uses (Hearing Officer)

a. Day Care, General

Prohibited Uses

Land uses that are not listed above are not allowed, except as provided by Chapter 20.12 (Interpretation of Zoning Code Provisions) of the Zoning Code.

Temporary Uses

Temporary uses may be allowed only upon the approval of a limited term permit per Section 20.52.040 (Limited Term Permits) of the Zoning Code. d. Telecommunications facilities

3. <u>Development Standards</u>

The following development standards shall apply to the townhomes:

a. Lot Area

The minimum lot size shall be 1 acre.

b. Floor Area per Unit

2,400 sq ft minimum 3,200 sq ft maximum

c. Building Area

The maximum allowable gross floor area for the Lido Villas townhomes shall be 63,600 square feet consistent with original project approval.

d. Building Height

The maximum allowable building height for the townhomes shall be 31 feet 10 inches, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

Exceptions to Building Height

Deck railings may exceed the building height limit and shall not exceed 35 feet 4 inches in height, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP. Roof deck railings shall consist of transparent materials such as glass or frosted glass. Accessory structures on the roof deck

shall not be permitted to exceed 35' 4", measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

Architectural projections up to 39 feet shall be allowed for an architectural feature encompassing a vaulted ceiling and stairwell in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP. Harbor Units shall be limited to a maximum of 350 SF for this architectural projection and Island Units shall be limited to a maximum of 200 SF of area for this architectural projection up to 39 feet in height.

e. Building Setbacks

Via Lido-front

9 feet, first floor
 4 feet 5 inches, second floor

Via Malaga-front

7 feet 3 inches, first floor
 6 feet 6 inches second floor

Via Oporto-front

6 feet, first floor
 3 feet, second floor

Interior property line to the north

5 feet

f. Parking

Two (2) enclosed private parking spaces shall be provided for each unit. ½ uncovered guest parking space shall be provided per unit for a total of 12 guest parking spaces. Each garage shall provide minimum clear interior dimensions of 17 feet 6 inches and shall be accessible to vehicles.

All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times. Vehicle parking and maneuvering areas shall be restricted to the operation, maneuvering and parking of operable vehicles and shall not be used for storage of any kind including the long-term storage of vehicles not in regular use.

g. Open Space

Common Open Space: 1,725 sq. ft. of common open space shall be provided for the community at a rate of 75 sq. ft. per dwelling unit) with a minimum dimension of 15 feet.

Private Open Space: 5 percent of the gross floor area shall be provided as private open space with a minimum width dimension of 6-ft

h. Landscaping

Minimum Landscape Requirements

- Landscaping shall incorporate current street tree species along Via Lido (Gold Medallion Tree, Cassia Leptophylla), Via Malaga (Gold Medallion Tree, Cassia Leptophylla) and Via Oporto (Water Gum, Tristania Laurina).
- Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier.
- Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the City Traffic Engineer.
- All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape and irrigation plans.
- All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris.
- All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
- Landscape planting and irrigation plans and specifications shall be submitted by the applicant for review and approval by the Building Division or Planning Division prior to the issuance of a building permit.

Site landscaping will be in accordance with Chapter 20.36 (Landscaping Standards) of the Zoning Code and Chapter 14.17 (Water-Efficient Landscaping) of the Newport Beach Municipal Code. Plants shall be adapted to the coastal climate of Newport Beach and appropriate to the specific soil, topographic, and sun/shade conditions of the project site. Drought-tolerant plants shall be used to the maximum extent practicable. Plant species having comparable water requirements shall be grouped together for efficient use of irrigation water. All plant materials shall conform to or exceed the plant quality

standards of the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen, or the equivalent. Plant selection shall be harmonious to the character of the project and surrounding projects and shall not be listed as an invasive species by the California Invasive Plant Council.

i. Irrigation Guidelines

An irrigation system shall be installed and shall incorporate appropriate locations, numbers, and types of sprinkler heads and emitters to provide appropriate amounts of water to all plant materials. Application rates and spray patterns shall be consistent with the varying watering requirements of different plant groupings.

Irrigation systems and controls shall include technology that minimizes over watering by either: (a) directly measuring soil moisture levels, plant types, and soil types and adjusting irrigation accordingly; or, (b) receiving weather information on a least a daily basis via satellite or similar transmission and adjusting irrigation accordingly. The irrigation system shall be designed so as to prevent over-watering and minimize overspray and runoff onto streets, sidewalks, driveways, buildings, fences, and windows consistent with water conservation and pollution run-off control objectives.

j. <u>Lighting</u>

Outdoor lighting standards will be in accordance with Section 20.30.070 (Outdoor Lighting) of the Zoning Code. Lighting of building interior common areas, exteriors and parking areas shall be developed in accordance with City Standards and shall be designed and maintained in a manner which minimized impacts on adjacent land uses. Nighttime lighting shall be limited to that necessary for security. The plans for lighting shall be prepared and signed by a licensed electrical engineer and shall be subject to review and approval of the Community Development Director or their designee.

k. Mechanical Equipment

Mechanical equipment shall not exceed 35 feet 4 inches in height and shall comply with Section 20.30.020 (Buffering and Screening) of the Zoning Code). All mechanical appurtenances on building roof tops and utility vaults shall be screened in a manner meeting the approval of the Director of Planning or their designee.

I. <u>Telephone</u>, Gas and Electrical Service

All "on site" gas lines, electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

m. Grading

Grading of the development area shall be conducted and undertaken in a manner both consistent with applicable grading manual, standards and ordinances of the City of Newport Beach and in accordance with a grading plan approved by the City of Newport Beach Building Division.

n. Outdoor Storage

The exterior of the units shall be maintained in accordance with Section 10.50.020 (Nuisance) of the City of Newport Beach Municipal Code.

3.2 Signs

A. Sign Allowance & Standards

1. If three or more signs are proposed for the development, a sign program for the Lido Villas Planned Community shall be submitted for review and approved by the City of Newport Beach Community Development Director or their designee. Sign allowance and standards will be in accordance with Chapter 20.42 (Sign Standards) of the Zoning Code.

4.0 SITE DEVELOPMENT REVIEW

4.1. Purpose

The purpose of the Site Development Review process is to ensure new development proposals within the Lido Villas Planned Community Development are consistent with the goals and policies of the General Plan, the Lido Village Design Guidelines, and provisions of this Planned Community Development Plan, the Development Agreement and the findings set forth below in sub-section 4.3.

4.2 Application

Prior to the issuance of building permits for the proposed project, a site development review shall be required for the Lido Villas Planned Community development in accordance with the applicability, application materials, application fees, review authority, public notice and hearing procedures, findings and decision, minor changes by Director, and expiration and post-decision procedures set forth in Section 20.52.080 (Site Development Reviews) of the Zoning Code.

EXHIBIT A



Attachment No. PC 3

Draft Planning Commission Minutes

Commissioner Kramer commented on a prior case under similar circumstances at 407 East Balboa Boulevard.

Mr. Zdeba noted that the property was considered prior to the adoption of the new Zoning Code and commented on the specific circumstances considered at the time. He further clarified that the modification permit granted under the old Zoning Code to 407 East Balboa Boulevard allowed an addition consistent with what is allowed by right in the new Zoning Code.

Commissioner Kramer commented on other physical features of the property.

Commissioner Ameri expressed sympathy for the applicant but felt that there are ways to reach the applicant's intent without having to demolish the property. He addressed the Planning Commission's limit to authority in terms of the ability change the Code. He expressed concerns with setting a precedent.

Commissioner Myers commented on the need to revise the resolution and continue the matter.

Assistant City Attorney Leonie Mulvihill reported that if the intent of the Commission is to consider a resolution for approval, it could be approved at this time if sufficient information is provided to have staff develop a resolution for approval.

The maker of the motion would need to articulate the findings.

Commissioner Kramer indicated he cannot support the findings and will vote against the motion.

Chair Hillgren stated that he cannot support the findings, noted that the code allows for expansion of the property but expressed concerns with the proposal to have the structure built to the front setback line. He indicated support for the applicant's efforts to improve the property but stressed the need to comply with the code.

Motion made by Commissioner Myers and seconded by Commissioner Brown and failed (2-5), to deny adoption of Resolution No. 1918 denying Variance No. VA2013-002 and support issuance of the variance based on the fact that unique circumstances and conditions exist on the property and that strict compliance with the Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and the granting of a variance is necessary for the preservation and enjoyment of the property rights of the applicant and will not constitute special privilege or be inconsistent with zoning and will not be detrimental to the neighborhood. Facts in support would be that the property has been in existence for seventy-three (73) years. Special circumstances would include that the property was built prior to significant zoning changes, is currently well-maintained and that compliance with the Zoning Code would constitute an economic hardship for the homeowners.

AYES: Brown and Myers

NOES: Ameri, Hillgren, Kramer, Lawler, and Tucker

Motion made by Vice Chair Tucker and seconded by Commissioner Kramer and carried (5 - 2), to adopt Resolution No. 1918 denying Variance No. VA2013-002.

AYES: Ameri, Hillgren, Kramer, Lawler, and Tucker

NOES: Brown and Myers

ITEM NO. 4 LIDO VILLAS (PA2012-146)

Site Location: 3303 and 3355 Via Lido

Assistant Planner, Makana Nova, presented details of the staff report addressing location, description of the project, General Plan, Coastal Land Use Plan, and Zoning Code amendments, Site Development Review, Tentative Tract Map, and Mitigated Negative Declaration. She addressed surrounding properties, properties associated with the project site, abandoned alley running through the property, existing conditions, parking, existing structures, density, and additional units. She reported details of the proposed amendments and noted that the appropriate tribal consultation notices had been distributed. She noted that the Coastal

Commission has commented on the proposed land-use changes and loss of parking opportunities. Ms. Nova addressed development standards, the goals of the planned community, the site plan, number of proposed units, access, on-site parking, impacts to on-street parking, and reduction in traffic trips by the proposed changes in land uses. She addressed standard setbacks, proposed project-specific setbacks, elevations, limits to structure heights, architectural elements, and noted that the project is subject to the Lido Village Design Guidelines.

Ms. Nova emphasized the goals of the Lido Village Design Guidelines relative to compatibility to surrounding land uses, architectural theme, and the use of high-quality building materials. She addressed open space areas, common areas, landscaping, easements, emergency access, required improvements as part of the tract map approval, and the public comment period related to the Mitigated Negative Declaration. She listed the public comments received from other agencies and residents and referenced the mitigation monitoring program relative to air quality, cultural resources, and management of hazardous materials during demolition and construction. She presented findings and recommendations to continue the item to the Planning Commission meeting of September 5, 2013.

Vice Chair Tucker asked for a plan indicating which materials will be used on elevations and commented on the Design Guidelines.

Principal Planner Jim Campbell reported that the Design Guidelines were reviewed by a Citizens Advisory Panel and were adopted by resolution by the City Council. He added that the Planning Commission would determine if the project is consistent with the Design Guidelines.

Assistant City Attorney Mulvihill added that the Design Guidelines are meant to represent, conceptually, what the design in the area should look like. They are guidelines for the Planning Commission to consider whether the area conforms to those guidelines.

Vice Chair Tucker commented on the Conditions of Approval and inquired regarding landscaping versus hardscaping.

Ms. Nova commented on spaces that have been identified as common areas and that there is a requirement to provide landscaping wherever possible adding that a lot of the interior hardscape will be used for vehicle circulation.

Vice Chair Tucker felt that the plan lacks landscaping near the areas where units are located. He wondered regarding whether anyone is able to buy the units or whether it would be for people with ambulatory disabilities.

Ms. Nova reported they are not exclusive to persons with disabilities.

In reply to Chair Hillgren's inquiry regarding a requirement for ADA compliant units, Ms. Nova responded in the affirmative and reported that the Building Division is charged with ensuring compliance with ADA requirements at plan check. She also addressed park and housing in-lieu fees, clarified that the fee is charged on a per unit basis, and that the fee will be required prior to recordation of the tract map.

Assistant City Attorney Mulvihill reported that this procedure is standard practice.

Ms. Nova noted that it is not the City's standard practice to review CC&Rs but that conditions could be added similarly to what is being proposed under the Uptown project.

Vice Chair Tucker felt that language should be added allowing the City an opportunity to enforce the CC&Rs. He referenced the PC text and a provision requiring a six-foot block wall between the commercial property and this property.

Ms. Nova reported that a six-foot block wall is proposed for the project and noted it is typical and required per the Zoning Code.

Vice Chair Tucker referenced a list of permitted and prohibited uses with the PC text and suggested eliminating reference to the prohibited uses or inserting language that prohibited uses are all of those uses not listed in the permitted uses. He addressed parking requirements and suggested adding language that garages be used for cars rather than storage. He reiterated the request for a list and example of the materials to be used.

Commissioner Kramer commented that this is not the first time the Commission has asked for a materials board and felt that it should be a standard practice as part of the application process.

Ms. Wisneski stated that material boards are available for this project.

Discussion followed regarding encouraging development in similar areas, being careful that what the Planning Commission approves is what the project will look like, the quality of the wood siding to be used, and including appropriate provisions within the CC&Rs.

Commissioner Brown referenced a letter from Robert Hawkins regarding the Design Guidelines and requested comments regarding the validity of his points.

Mr. Campbell reported receiving the letter this afternoon and noted that staff has not had a chance to review it. He agreed with Mr. Hawkins regarding the guidelines not being enforceable regulations and addressed the need to be consistent with the guidelines and compatible with the area. He requested an opportunity to review the matter further and return to the Planning Commission at the September 5, 2013, meeting. He reported that the 423 analysis is not an environmental issue but relates to requiring a vote of the electorate and is a procedural issue.

Vice Chair Tucker commented on the analysis and addressed the units requiring a General Plan amendment and those already authorized for residential. He noted that Charter Section 423 deals with density and effects on traffic. He encouraged staff to respond to the letter.

Commissioner Brown expressed concerns with parking and agreed with Vice Chair Tucker's recommendation regarding including language that garages be used for cars rather than storage.

Commissioner Kramer indicated support for the application but expressed concerns regarding the quality of the architectural design.

Ms. Nova indicated that the matter can be expanded upon within the PC text and that architectural design and building maintenance would be regulated under the CC&Rs.

Commissioner Kramer felt it would be appropriate to add detail within the PC text regarding architectural design requirements.

Ms. Nova reported that the project conforms to the Lido Village Design Guidelines, overall. She agreed that the issue merits additional consideration and discussion.

Deputy Community Development Director Wisneski added that design issues can be further discussed and addressed at the September 5th Planning Commission meeting.

Discussion followed regarding relocation of the existing church.

Commissioner Ameri expressed concerns regarding guest parking.

Vice Chair Tucker referenced the Coastal Section of the Design Guidelines and highlighted pictures illustrating some of the concepts.

Chair Hillgren reported on a similar project by the developer that can be seen in order to obtain a sense of the materials to be used. He addressed the importance of setbacks and height limitations.

Ms. Nova reported on the establishment of setbacks on all streets facing frontages and addressed differences in first- and second-floor setbacks and future improvement of adjacent rights-of-ways for pedestrian uses. She added that trees on street-facing frontages will be replaced with new street trees and reported the heights of existing and proposed structures.

Mr. Campbell commented on the various heights and impacts to surrounding areas.

Motion made by Vice Chair Tucker and seconded by Commissioner Brown and carried (7 - 0) to continue the matter to the Planning Commission meeting of September 5, 2013.

AYES: Ameri, Brown, Hillgren, Kramer, Lawler, Myers, and Tucker

NOES: None

ITEM NO. 5 HOUSING ELEMENT UPDATE (PA2012-104)

Site Location: 100 Civic Center Dr., Newport Beach

Assistant Planner Melinda Whelan presented details of the final draft of the Housing Element and noted it is the only element within the General Plan that requires review by the State the Department of Housing and Community Development (HCD) which has specific guidelines and requirements. She addressed the goals and purpose of the Housing Element and presented background and previous review of the matter as well as consideration and action by Council. She highlighted the changes recommended by Council relative to the removal of the Inclusionary Housing Program. Ms. Whelan addressed findings and presented recommendations as listed in the report.

Discussion followed regarding applicability of the in-lieu affordable housing fee and options available to Council regarding the matter.

Interested parties were invited to address the Planning Commission on this item.

Jim Mosher commented on the removal of the in-lieu affordable housing fee and streamlining the process with HCD. He referenced a conference call and changes made and felt that the changes are not specified in the report and should be included in Council packets. He addressed a CEQA finding within the resolution and suggested including addressing a finding of some kind.

There being no others wishing to address the Planning Commission, Chair Hillgren closed the public hearing.

Motion made by Vice Chair Tucker and seconded by Commissioner Brown and carried (7 - 0) to adopt a resolution recommending adoption of the 2014-2021 Housing Element Update to the City Council.

AYES: Ameri, Brown, Hillgren, Kramer, Lawler, Myers, and Tucker

NOES: None

ITEM NO. 3 UPTOWN NEWPORT MSDR (PA2013-129)

Site Location: 4311-4321 Jamboree Road

Commissioner Lawler reported a business interest with a property located near the subject property and recused himself from hearing the aforementioned time and requested being excused for the remainder of the meeting. Commissioner Lawler's request was granted and he departed the chambers at this time.

Associate Planner Rosalinh Ung presented details of the report and addressed approved entitlements for the project, identification of a two-phase process, the purpose of the Master Site Development Review, and compliance with zoning documents. She addressed architectural focal points at each end of the entry drive at the Fairchild intersection and recommendations that the Planning Commission review these for compliance with applicable provisions. She referenced written comments received from Jim Mosher and noted that the Zoning Administrator recently approved a Tentative Parcel Map to subdivide the existing two (2) parcels into four (4) parcels. She noted that no development for improvements are proposed as part of

Attachment No. PC 4

Public Comment Letters

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY ***

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08/22/2013 1:45PM FAX 8498501181

HAWKINS LAW OFFICES

210001/0004

Law Offices of Robert C. Hawkins

110 Newport Center Drive, Suite 200 Newport Beach, California 92660 (949) 650-5550 Fax: (949) 650-1181

FAX COVER SHEET

TRANSMITTED TO:

NAME	FAX NUMBER	PHONE NUMBER
Kimberly Brandt; Makana Nova	(949) 644-3229	
Leilani Brown, City Clerk	(949) 644-3039	

From:

Robert C. Hawkins

Client/Matter:

Friends

Date:

August 22, 2013

Documents:

Comments on Lido Villas MND

Pages:

3*

COMMENTS:

Original will follow as indicated.

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LAW OFFICES OF ROBERT C. HAWKINS

August 22, 2013

Via Facsimile Only

Michael L. Toerge, Chair Members of the Planning Commission c/o Makana Nova, Assistant Planner Department of Community Development City of Newport Beach 100 Civic Center Drive, Area "C" Newport Beach, California 92660

Re: Comments on the Mitigated Negative Declaration ("MND") for the Lido Villas Project- (PA2012-146) located at 3303 and 3355 Via Lido (the

"Project").

Greetings:

Thank you for the opportunity to comment on the captioned matter. This firm represents Friends of Dolores, a community action group dedicated to ensuring compliance with state and local laws including the California Environmental Quality Act, Public Resources Code sections 21000 et seq., Friends of City Hall, a community action group dedicated the preservation of the "City Hall" area for civic purposes, and others in the City in connection with the captioned matter.

Although we have not had an opportunity to comment on the captioned DMND and plan to offer extensive comments at any subsequent hearing, we offer these initial comments on an important matter ignored in the DMND and misunderstood in the Staff Report: the Section 423, Greenlight initiative, requires a vote for the captioned project.

The California Environmental Quality Act, ("CEQA"), Public Resources Code sections 21083 and 21083.5 requires that environmental analysis include an analysis of the Project's cumulative impacts. However, the MND contains no such analysis. Importantly, it fails to analysis the pending City Hall Re-use Project.

More importantly, the MND contains no analysis of the Greenlight requirements of the City's Charter. Section 423 requires:

August 22, 2013

Michael L Toerge, Chair Members of the Planning Commission

2 -

"Charter Section 423 requires an analysis of the density, intensity, and peak hour traffic associated with a proposed General Plan Amendment ("GPA'J. When increases in density, intensity, and peak hour traffic of a proposed GPA 11 along with 80 percent of the increases of prior amendments exceed specified thresholds, the proposed GPA is considered to be a "major amendment" that requires voter approval. The specified thresholds are 100 dwelling units (density), 40,000 square feet of floor area (intensity), and 100 peak hour trips (traffic). City Council Policy A-18 establishes the Guidelines for implementation of City Charter Section 423 and provides specific guidance as to the density, intensity and traffic thresholds for the analysis."

City Hall Reuse, Negative Declaration, page 112-113 (Emphasis in original). The Negative Declaration and supporting Staff Reports recognized that the City Hall Reuse Project which includes 99 residential units would take all units and square footage under Section 423. Therefore, the City Hall Reuse environmental document and supporting staff reports recognize that the Project requires a vote.

The Staff Report attempts to include a Section 423 analysis but it fails to consider the City Hall Reuse Negative Declaration. This Commission heard and recommended approval of the City Hall Reuse MND but the City Council continued the matter "indefinitely." The City Hall Reuse Negative Declaration remains the only environmental analysis for the City Hall Reuse Project, which includes 99 dwelling units.

Staff may argue that the Council has decided not to move forward with the residential project and therefore the above is inapplicable. However, this is in error. As indicated above, the only environmental analysis of the City Hall Reuse Project remains the Negative Declaration. The City has not withdrawn that document or issued a Notice regarding any proposed alternative project. Hence, under the current sets of Project, the captioned Project will require a vote under Section 423.

The MND must be revised to include analysis of the Section 423 problems.

In addition, the MND refers to the Lido Village Village Design Guidelines. However, these Guidelines are not regulatory and have not regulatory effect. Nonetheless, the MND still regards them as regulatory and relies on the Guidelines to show that the Project will have no impacts. The MND must be revised to include an analysis of the environmental impacts for the compliance with such non regulatory Guidelines.

In conclusion, the MND is totally inadequate. Good and sound policy reasons and good planning require the preparation of an EIR. Such an EIR would analyze all impacts including Section 423 and those caused by compliance with any guidelines, and any other impacts, would include a discussion of Project alternatives which is necessary for the Project to go forward, and would allow the City to override any significant an unmitigated impacts.

Michael L Toerge, Chair Members of the Planning Commission

.3.

August 22, 2013

Thank you, again, for the opportunity to comment on the FMND. Please provide us with notice of any responses to these comments in a non-italicized format and with notices of any and all hearings on the captioned project and fmnd.

Of course, should you have any questions, please do not hesitate to contact me.

Sincerely,

v Offices of Robert O Hawkin

: Robert C. Hawkins

RCII/kw

cc: Leilani Brown, City Clerk (Via Facsimile Only)

Item No. 4 Lido Villas (PA2012-146)

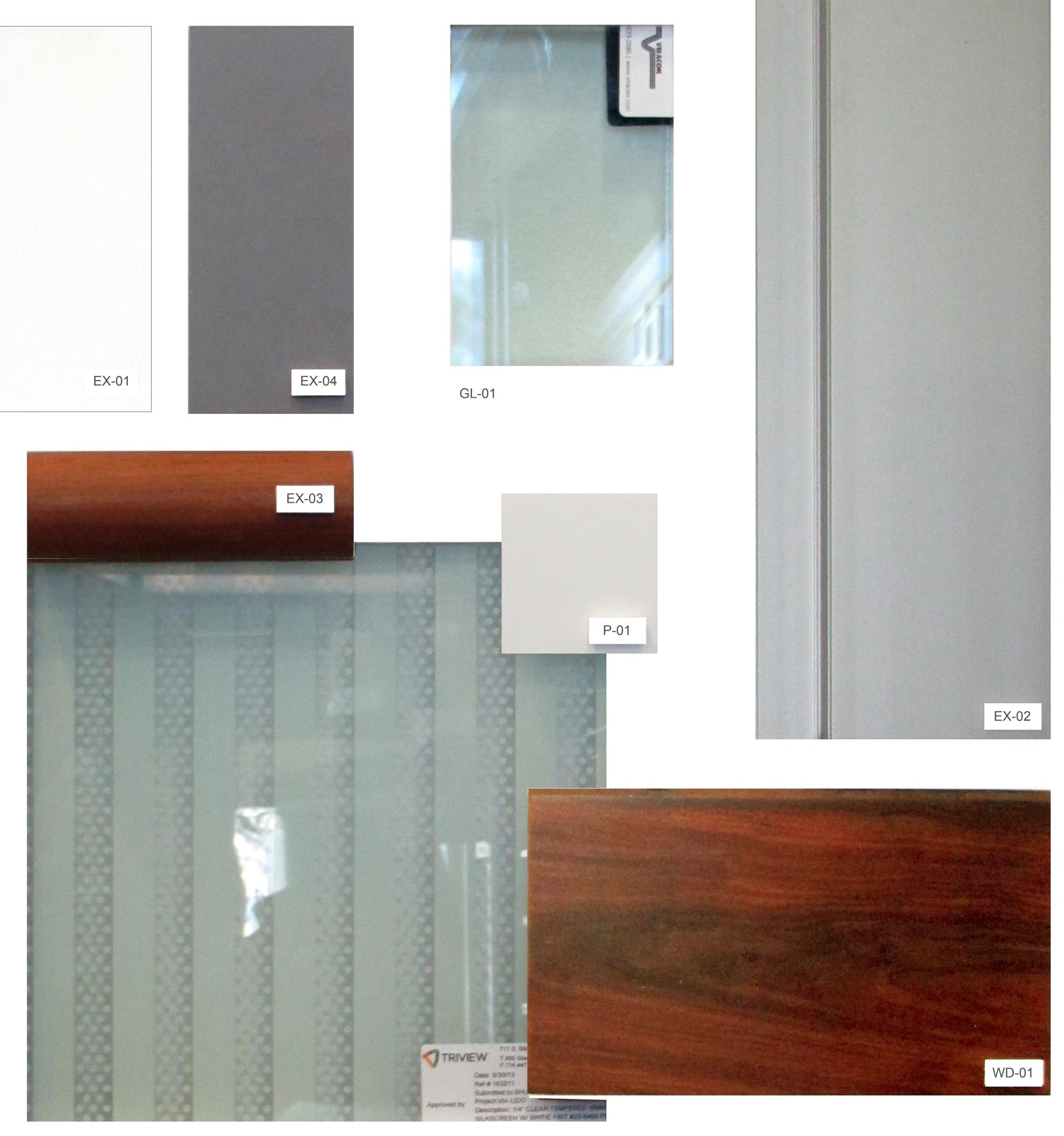
- I am pleased to see (under "Additional Materials Received" on the meeting page) that the
 project architect is asking for a continuance of this hearing to September 5, since I, too,
 have not had time to adequately review the large volume of material related to this project,
 and noticed a number of typographical errors, inconsistencies and questionable statements
 in the part I did review.
- 2. At this point, although it may seem a small point, I am particularly concerned about the statements regarding the circulation period for the Mitigated Negative Declaration (page 22 of the staff report, and Section 2.2 of the proposed Resolution of Approval).
 - a. Although the unofficial Planning <u>Case Log</u> says (under the 07/15/2013 entry) "REVIEW PERIOD ENDS AUGUST 14, 2013," and although the staff report and resolution say the review period ended August 13, as far as I know the public never saw anything other than a statement that comments had to be received by 5:00 pm on Monday, August 12. That was, and remains, the due date shown on the <u>Notice of Intent</u> (both on-line and enclosed with the MND copies in the City libraries), as well as the due date announced in the initial City "News Splash" which, to the best of my knowledge, was never revised.
 - b. I am particularly sensitive to the lack of any public notification of an extension to August 13 (or 14??), if that occurred, since written comments on the August 13 City Council agenda items were also due at 5:00 pm on August 12, and I had to choose between one or the other. Had I known of the extension, I might well have submitted comments on August 13 (or 14??).
 - c. I am also concerned about whether the Office of Planning and Research comment period was legally required to run 30 days. If so, and if it started on July 15 as the staff report says, then the August 13 end date cited in the staff report and resolution would be one day short, since the start date is not counted under California law. For a full 30 day review, an August 14 end date would have been required as indicated in the Case Log, but apparently nowhere else. The public may have been given a due date two days short of the true one.
- 3. My other primary concern at this point is whether the 35-foot Shoreline Height Limitation has become a flexible guideline, as the staff report and resolution suggest it has. Obviously Coastal Commission staff believes the Coastal Commission understood it to be a hard and definite limit.

Attachment No. PC 5

Materials Board







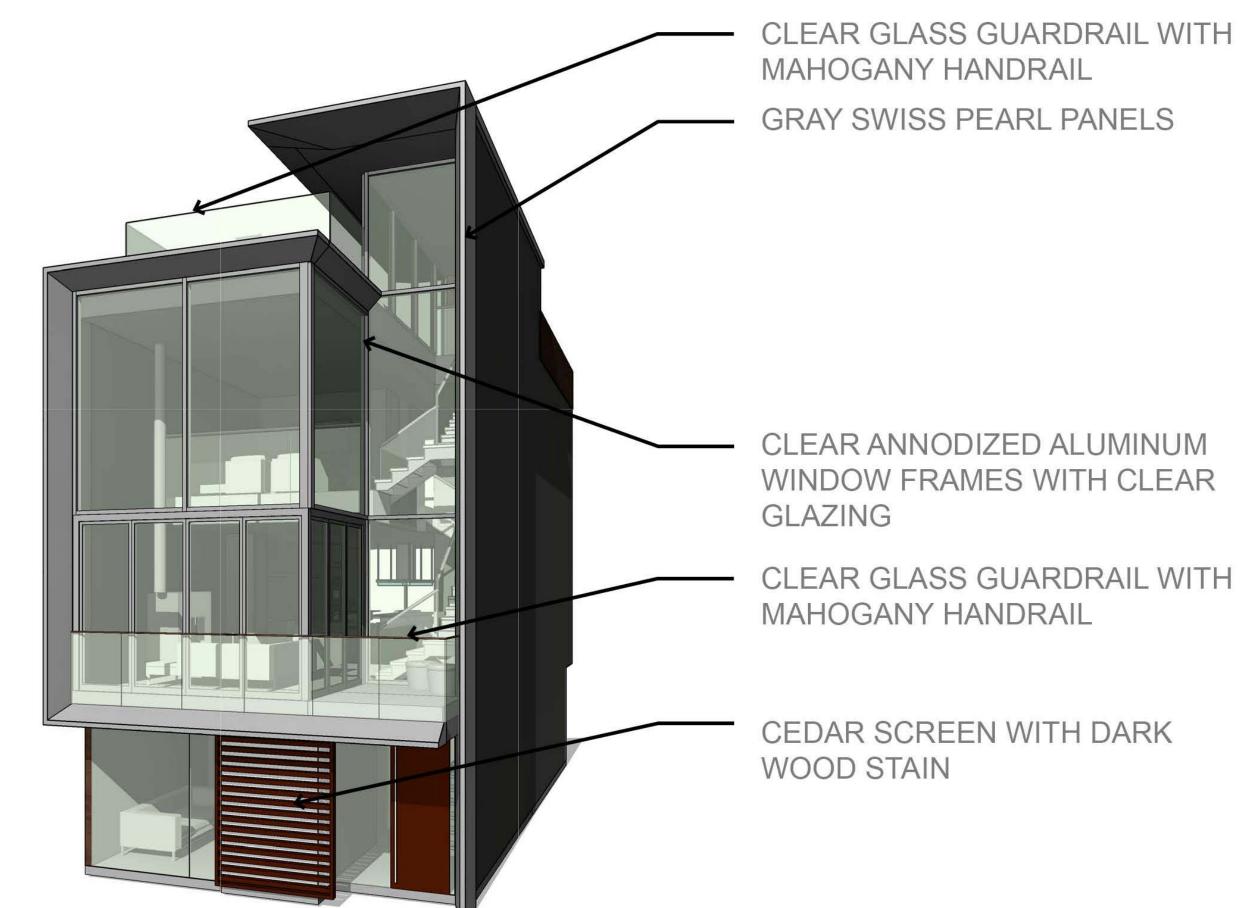
Attachment No. PC 6

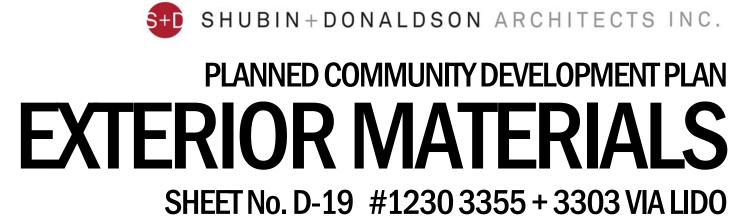
Detailed Elevations

HARBOR UNIT



ISLAND UNIT





Attachment No. PC 7

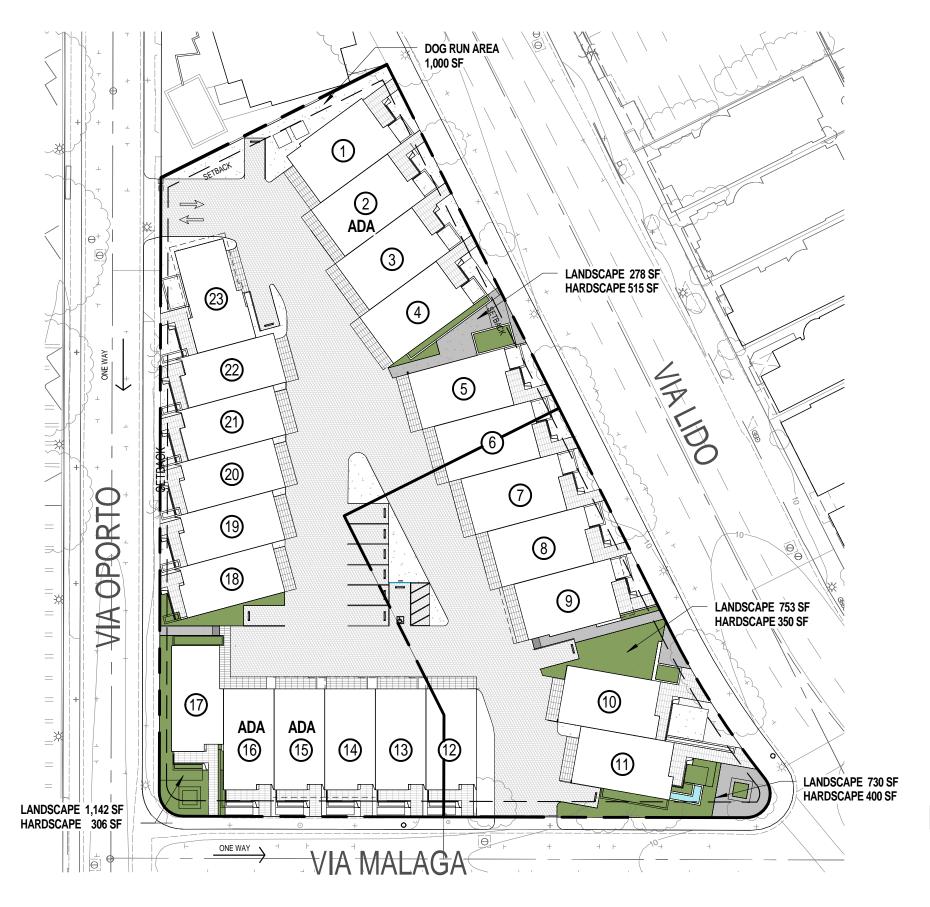
Calculation of Hardscape and Landscape Areas

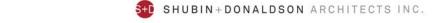


SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN D-20 SITE EXHIBIT







PLANNED COMMUNITY DEVELOPMENT PLAN OPEN SPACE ANALYSIS

OPEN SPACE LANDSCAPE/HARDSCAPE DIAGRAM

SCALE: 1" = 40'-0"

Attachment No. PC 8

Discussion of MND Cumulative Analysis Including the City Hall Site

August 30, 2013

Makana Nova, Assistant Planner Newport Beach Planning Division 100 Civic Center Drive Newport Beach, CA 92660

RE: LIDO VILLAS (PA2012-146) - RESPONSES TO COMMENTS FROM THE LAW OFFICES OF ROBERT C. HAWKINS

Dear Ms. Nova:

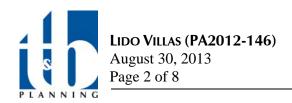
On August 22, 2013, the City of Newport Beach received a letter from the Law Offices of Robert C. Hawkins (herein, "Comment Letter") commenting on the proposed Lido Villas Project (PA2012-146; herein, "proposed Project") and associated Mitigated Negative Declaration (MND). Although the Comment Letter was received after the close of the MND's public review period and the City is not required to respond in writing, this letter addresses the CEQA-related concerns raised in the Comment Letter to demonstrate that there is no substantial evidence that the proposed Project will have a significant direct or cumulatively considerable impact on the environment.

Specifically, the Comment Letter incorrectly indicates that the MND prepared in support of the Lido Villas Project fails to consider potential cumulative impacts, including cumulative impacts associated with the pending City Hall Re-Use Project.

The City prepared a Draft MND (DMND) for the City Hall Re-Use Project in November 2012. That project consists of a proposal to amend the City's General Plan Land Use Element, Coastal Land Use Plan, and Zoning Code as they apply to the former City Hall property to allow for the future redevelopment of that property that could include up to 99 dwelling units and/or other mixed uses. A specific re-use development plan was not proposed and would be subject to subsequent CEQA review upon its proposal. Although the City Hall Re-Use Project DMND was not approved or otherwise acted upon by the City Council, the Lido Villas Project MND did indeed consider the project as part of its cumulative effects analysis.

The cumulative impacts of the proposed Lido Villas Project are discussed and addressed in MND Section 5.4.18.1 under the discussion and analysis of Issue b), and the analysis explicitly considers cumulative effects associated with the City Hall Re-Use Project. A list of the cumulative development projects considered in the analysis is provided as Technical Appendix F to the MND. As indicated in MND Technical Appendix F, the Lido Villas MND considers a total of 31 cumulative development projects, including the City Hall Re-Use Project (referred to in Technical Appendix F as the "Old City Hall Complex Redevelopment").

The Comment Letter does not identify any specific issue area(s) for which the cumulative impact analysis provided in MND Section 5.4.18.1 is deficient. Nonetheless, a brief summary of the findings of the cumulative impact analysis is provided below, with particular emphasis on the potential cumulative effects associated with the City Hall Re-Use Project. As shown, there is no substantial evidence to indicate that the proposed Lido Villas Project would result in a significant, cumulatively considerable impact on the environment when considered in context with the City Hall Re-Use Project.



Aesthetics (MND Pages 5-118 and 5-119). The cumulative impact analysis for the issue of Aesthetics explicitly considers the City Hall Re-Use Project. Although the City Hall Re-Use Project DMND indicates the potential for significant aesthetic effects if that project were to move forward, the DMND includes Mitigation Measures MM 4.1-1 through MM 4.1-4 to reduce those potential effects to below levels of significance. Further, because no specific development plan is pending for the City Hall site, the Lido Villas MND appropriately relied on the conclusions drawn and mitigation measures presented in the City Hall Re-Use Project DMND. The analysis of the proposed Lido Villas Project concludes that cumulative impacts to aesthetics would be less than significant and that the Project's contribution would be less than cumulatively considerable because the Project would have no potential to adversely affect scenic vistas or scenic highways, and, like the City Hall Re-Use Project, would be conditioned upon consistency with the Lido Village Design Guidelines. Consistency with the Lido Village Design Guidelines is ensured through City staff review of site plans, architecture plans, landscape plans, lighting plans, and other documentation that accompanies permit applications for development in the geographic area covered by the guidelines. Furthermore, the proposed Project and all cumulative developments in its viewshed (including the City Hall Re-Use Project) would be required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Zoning Code and would be reviewed for consistency with the lighting provisions of the Lido Village Design Guidelines, which would preclude cumulatively significant lighting impacts. Additionally, the artificial lighting intensity produced by the Lido Villas Project after its development would be no greater than occurs on the site under existing conditions. Thus, the proposed Project would not increase the overall cumulative effect associated with light and glare as compared to the existing condition. Further, should the City Hall Re-Use Project go forward, it would be conditioned upon consistency with the Lido Village Design Guidelines, and any cumulative aesthetic effect would be less than significant.

As discussed in the MND under the analysis of Aesthetics (refer to Pages 5-18 and 5-19 of the proposed Project's MND), buildings proposed as part of the Lido Villas Project would be a maximum of 31 feet 2 inches in height, with architectural projections up to 39 feet. Although this represents a slight increase in height as compared to the 35-foot high commercial building that currently exists in the northern portion of the site, the proposed height increase would not result in any significant adverse effects to the scenic vistas described under the analysis of Aesthetics Issue a).

Likewise, as concluded in the City Hall Re-Use Project DMND (refer to Page 18), even though buildings with maximum heights of up to 55 feet and architectural features of up to 65 feet could occur on the former City Hall site if that project moves forward, it is unlikely that any structures that may be proposed on that site would adversely affect scenic vistas. The DMND includes photographs, measurements, and other evidence to conclude that because future structure(s) associated with the City Hall Re-Use Project would be located over one-half mile from important designated Public View Points and would blend into the background of existing development, impacts to scenic vistas would be less than significant.

There is substantial evidence included in the City Hall Re-Use Project DMND and the Lido Villas MND to demonstrate that although the proposed Lido Villas Project would result in an increase in building height on the property by four-inches for the roof deck and guard rails and four-feet for architectural projections as compared to the 35-foot height of the existing on-site commercial structure, such an increase in height would not significantly and/or adversely affect any scenic vistas

on a direct or cumulative basis.

The Lido Villas Project's proposed height increase also would not substantially degrade the existing visual character or quality of the site and its surroundings either directly or cumulatively. The proposed Project (and other projects within the proposed Project's immediate viewshed, including the City Hall Re-Use Project) would be conditioned upon consistency with the Lido Village Design Guidelines, including requirements for architecture and landscaping. Moreover, the increase in building height proposed by the Project would be attenuated by its architectural concept, which includes off-setting planes, variable rooflines, ground-level landscaping, railings along the upper floors, and a street frontage dominated by glazing. As concluded in the proposed Project's MND, "...the Project's architecture would represent an aesthetic improvement over the existing commercial office building, which features somewhat outdated architectural characteristics and lacks off-setting planes and variable roofline features" (MND at Page 5-20). Similarly, and as concluded in the DMND for the City Hall Re-Use Project, "...the future design and construction of the proposed mixed use development would generally be compatible in scale, design, character, and quality to existing uses because...such development and/or redevelopment must comply with the City's existing land use development standards and architectural design guidelines prescribed in the Lido Village Design Guidelines document as well as other City policies and regulations" (DMND at Page 35). Accordingly, although both the City Hall Re-Use Project and the proposed Project would result in taller buildings as compared to the buildings that occur on those properties under existing conditions, such height increases would not result in a cumulatively considerable impact to the existing visual character or quality of the site or its surroundings because aesthetic features would be incorporated to ensure that the visual character and quality of the sites and their surroundings would not be substantially degraded, and in some aspects even improved over the existing condition.

Based on the discussion presented above, and consistent with the evidence and conclusions provided in Section 5.4.18.1 of the Project's MND, the proposed Project's aesthetic effects would be less than cumulatively considerable.

- Agriculture and Forestry Resources (MND Page 5-119). As noted in the MND, the proposed Lido Villas Project would have no impact on agriculture and forestry resources. Specifically, the Project site is not mapped by the Farmland Mapping and monitoring Program as containing Prime Farmland, Unique Farmland, or Farmland of Statewide Importance ("Important Farmlands"). There also are no lands surrounding the Project site that are zoned for agricultural use or subject to a Williamson Act Contract. Additionally, there are no forestlands or other lands zoned for forest or timber use within the City of Newport Beach. There are no components of the proposed Project that could involve other changes to the existing environment, which, due to their location or nature, could result in the conversion of Important Farmlands or forestland to non-agricultural use or non-forest use. Accordingly, because the proposed Project would not result in any impacts to agricultural or forestry resources, the Project has no potential to result in cumulatively considerable impacts to agriculture or forestry resources.
- Air Quality (MND Page 5-119). For construction-related emissions, the MND demonstrates that
 Project-related emissions would be below the South Coast Air Quality Management District
 (SCAQMD) Regional and Localized Thresholds of Significance (refer to MND Tables 5-4 through 57), assuming mandatory compliance with Mitigation Measures MM AQ-1 and MM AQ-2. In
 accordance with guidance from the SCAQMD, "Projects that exceed the project-specific significance

thresholds are considered by the SCAQMD to be cumulatively considerable...Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant." The City appropriately followed SCAQMD guidance when determining the significance threshold for cumulative impacts. Thus, implementation of Mitigation Measures MM AQ-1 and MM AQ-2 would ensure that near-term construction impacts associated with the proposed Project would not be cumulatively significant. Furthermore, all construction projects in the City are required to comply with Chapter 15.10 (Excavation and Grading Code) of the City of Newport Beach Municipal Code, which establishes requirements for the control of dust during construction. For long-term operational conditions, the primary source of air quality emissions would be from Project-related traffic; but because the Project would result in a net reduction of 305 average daily vehicle trips (ADT) to and from the site (MND Table 5-10), the Project would result in a net reduction in air emissions. Thus, the proposed Project would have a long-term cumulative *benefit* to air quality. As such, under long-term operating conditions, the Project also has no potential to result in cumulatively considerable impacts to air quality.

- Biological Resources (MND Page 5-119). The MND concludes that the proposed Lido Villas Project would have no impacts to biological resources. Specifically, the proposed Project site is fully developed under existing conditions and contains no sensitive vegetation communities providing habitat for any candidate, sensitive, or special status plant or wildlife species. The proposed Project site also does not contain any federally protected wetlands or jurisdictional drainages, and does not serve as a wildlife movement corridor. As noted in the proposed Project's MND (refer to Pages 5-39 to 5-40), the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The proposed Project site also is not identified for conservation as part of the Orange County Central and Coastal Orange County NCCP/HCP, and would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Because the proposed Lido Villas Project has no potential to result in adverse effects to biological resources, the Project also has no potential to result in cumulatively considerable impacts to biological resources.
- Cultural Resources (MND Pages 5-119 and 5-120). As concluded in the MND, the Lido Villas Project would not impact any historical resources, and therefore has no potential to contribute to cumulative historical resource impacts. With respect to the issue areas of archaeological and paleontological resources, the MND identifies Mitigation Measures MM CR-1 and MM CR-2 to ensure that in the unlikely event that resources are uncovered during construction of the proposed Project, they would be appropriately treated to reduce impacts to below a level of significance. Similar mitigation requirements (SC 4.5-1 and MM 4.5-1) were imposed on the City Hall Re-Use Project as part of the City Hall Re-Use Project DMND. The City of Newport Beach and other lead agencies impose similar requirements for the discovery and treatment of archaeological or paleontological resources during construction processes. Accordingly, the proposed Project would not result in any cumulatively considerable impacts to cultural resources.
- Geology and Soils (MND Page 5-120). As stated in the MND, impacts due to geology and soils are

¹ South Coast Air Quality Management District, 2003. White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution. Page D-3. August 2003. Available on-line at: http://www.aqmd.gov/rules/ciwg/final white paper.pdf.

site-specific in nature and the proposed Project therefore has no potential to result in cumulatively considerable impacts to this issue area. Additionally, all development projects in the State of California (the Lido Villas Project and the City-Hall Re-Use Project included) are required to conform to the California Building Code (CBC), which requires strict adherence to structural design standards to attenuate hazards associated with potential geotechnical hazards such as seismic ground shaking. Considering these facts, there is no potential for a significant cumulative geology or soil impact to occur.

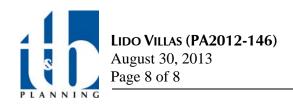
- Greenhouse Gas Emissions (MND Page 5-120). The analysis of impacts due to greenhouse gas (GHG) emissions is inherently cumulative in nature, because it relates to climate change across Earth. No individual, small development project such as the proposed Lido Villas Project has the potential to change the Earth's climate. As concluded in the MND, the proposed Project also has no potential to result in cumulatively considerable impacts associated with GHGs. The proposed Project would result in a net reduction of GHG emissions as compared to the existing condition (see Table 5-8 and associated discussion in the proposed Project's MND), primarily related to the reduction in daily vehicle trips that would occur to and from the site after the Project is implemented. Thus, the Project would have a long-term cumulative *benefit* to (reduction of) GHG levels. For this reason, the Project has no potential to result in significant and cumulatively considerable impacts associated with GHG emissions. Additionally, the DMND for the City Hall Re-Use Project concludes that GHG emissions associated with redevelopment of the City Hall site also would be less than significant.
- Hazards and Hazardous Materials (MND Pages 5-120 and 5-121). Assuming implementation of Mitigation Measures MM HM-1 and MM HM-2 (relating to site-specific lead-based paints and asbestos containing materials), impacts under this issue area would be less than significant. A similar requirement is identified in the City Hall Re-Use Project DMND as Standard Condition SC 4.7-2. With mitigation measures applied to both projects, impacts due to lead-based paints and asbestos containing materials would be less than cumulatively considerable. There are no components of the proposed Project's construction or operational characteristics that would result in the potential for cumulatively considerable effects due to hazards or hazardous materials.
- Hydrology and Water Quality (MND Page 5-121). The analysis contained in the MND and its Technical Appendices C and D concludes that with mandatory compliance with site-specific Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP), impacts associated with hydrology and water quality would be less than significant. During development and long-term operation of the City Hall Re-Use Project should it move forward, the City similarly would be required to prepare and implement SWPPPs and WQMPs to preclude significant direct and cumulative impacts due to hydrology or water quality concerns (as indicated in the City Hall Re-Use Project DMND on Pages 74 through 81). Additionally, and as concluded on Page 5-121 the Lido Villas MND, the proposed Project and cumulative development projects (including the City Hall Re-Use Project) have been reviewed by the City and have no potential to significantly and adversely affect implementation of hazard management plans.
- Land Use and Planning (MND Pages 5-121 and 5-122). As concluded in the MND, the proposed Lido Villas Project would not result in any environmental impacts due to consistency findings associated with applicable habitat conservation plans, natural community conservation plans, or any other applicable land use plans, policies, or regulations that were adopted for the purpose of avoiding

or mitigating an environmental effect. The City Hall Re-Use Project DMND similarly concludes that impacts to Land Use and Planning would not occur or would be less than significant (as indicated on pages 81 to 96 of the City Hall Re-Use Project DMND). Both projects are consistent with applicable General Plan policies and would be conditioned upon consistency with the provisions of the Lido Village Design Guidelines. Consistency with the Lido Village Design Guidelines is ensured through City staff review of site plans, architecture plans, landscape plans, lighting plans, and other documentation that accompanies permit applications for development in the geographic area covered by the guidelines. There are no components of the proposed Project or the City Hall Re-Use Project that could result in cumulatively significant impacts to the issue area of Land Use and Planning. There is also no cumulative potential for the physical division of an established community, as both the proposed Project site and City Hall site are already developed under existing conditions and would be redeveloped as part of their respective proposed Projects within their parcel boundaries.

- Mineral Resources (MND Page 5-122). Both the proposed Project site and the City Hall site are
 developed under existing conditions, and contain no mines, wells, other extraction activities, or lands
 mapped as containing valuable mineral resources. The proposed Lido Villas Project would have no
 impact to mineral resources, and therefore has no potential to result in cumulatively considerable
 impacts under this issue area.
- Noise (MND Page 5-122). The discussion and analysis of the proposed Project's cumulative impacts to Noise explicitly discusses cumulative impacts associated with the proposed Project and the City Hall Re-Use Project. As concluded in that discussion, construction activities in the City of Newport Beach are exempt from the City's Municipal Code Section 10.26 (Community Noise Control), provided such activities adhere to the timing restrictions specified in Section 10.28 (Loud and Unreasonable Noise). Both the proposed Project and the City Hall Re-Use Project would be required to comply with the timing restrictions specified in Section 10.28; accordingly, construction-related noise impacts would be less than cumulatively considerable even in the unlikely event that both projects were under simultaneous construction. Under long-term operating conditions, the residential use proposed by the Lido Villas Project would not result in substantial noise that could violate any applicable noise standards. Additionally, vehicular traffic associated with the proposed Project would be reduced as compared to the existing condition (thereby indicating that noise from vehicular traffic would be reduced). Thus, the Project would have a long-term cumulative benefit to (reduction of) vehicular noise. Accordingly, the Project has no potential for resulting in cumulatively considerable noise impacts under long-term operation.
- Population and Housing (MND Page 5-122). The MND concludes that the Project would result in an increase in the City's population by approximately 50 persons. Although other cumulative development projects (including the City Hall Re-Use Project should it go forward and should it ultimately contain residential units) could also result in an increase in the City's population, the MND concludes that there would be no impacts or less than significant impacts to the environment resulting from the cumulative effect of population growth within the City. The Lido Villas Project and City Hall Re-Use Project also would result in no impacts due to the displacement of substantial numbers of existing housing or people because no housing units currently exist on either site. The City Hall Re-Use Project DMND similarly concludes that an increase to the City's population would not result in any significant environmental effects (refer to Pages 101-102 of the City Hall Re-Use Project DMND). For these reasons, the proposed Project has no potential to result in cumulatively

considerable impacts associated with such effects.

- Public Services (MND Page 5-123). The MND concludes that there would be no increase in demand for fire protection or police protection services as a result of the proposed Project; as such, there would be no cumulatively considerable impact. As indicated on MND Page 5-123, although the proposed Project would result in approximately five new elementary school students, three middle school students, and three high school students, the proposed Project and all other cumulative development projects would be required to contribute fees in accordance with Public Education Code § 17072.10-18, which would provide necessary funding for school facilities. Additionally, the analysis concludes that the Newport Mesa Unified School District (NMUSD) has determined that its existing school facility capacity is adequate to serve the population, and there are no plans for expansion of its school facilities to accommodate projected growth. As such, the generation of new students from the proposed Project and cumulative developments would not result in nor require expanded school facilities, the construction of which could result in impacts to the environment. The DMND for the City Hall Re-Use Project similarly concludes that the payment of school impact fees would constitute full mitigation as stipulated by law, and impacts on the environment are therefore less than significant. The analysis in the Lido Villas MND also concludes that impacts to library facilities would be less than significant due to changes in technology (i.e., the use of electronic media in lieu of hard copy media) and because the City's library facilities are more than adequate to serve the City's existing and projected population; such findings also are consistent with the analysis and conclusions presented in the City Hall Re-Use Project DMND. Accordingly, cumulatively considerable significant impacts to public services would not result from implementation of the proposed Project.
- Recreation (MND Pages 5-123 and 5-124). The proposed Project's MND concludes that there are adequate existing and planned recreational facilities within the City's Service Area I to meet the recreation demands that would be caused by the projected increase in the City's population, including future residents from the City Hall Re-Use Project should that project go forward and should residential units ultimately occur on that site. The proposed Lido Villas Project also would be required to contribute fees to the City's park funds, pursuant to City Council Resolution No. 2007-30, which would enable the City to provide for new or improved park facilities within the City to serve City residents and future residents of the proposed Project. Furthermore, both projects are located on the Balboa Peninsula where ample beach-related activities are predominate for local residents. Accordingly, cumulative effects due to the need for new or expanded recreation facilities, as well as cumulative effects caused by the physical deterioration of existing recreational facilities, would be less than significant on a cumulative basis. The demand for new and/or improved recreational facilities generated by the proposed Project's anticipated 50 residents would not be cumulatively considerable.
- Transportation/Traffic (MND Page 5-124). The proposed Project would result in a net decrease in traffic from the site by approximately 305 ADT as compared to the existing condition (MND Table 5-10). Thus, the Project would have a long-term cumulative benefit to (reduction of) traffic. As a result, the proposed Project would have no potential to result in cumulatively considerable impacts to roadways and transportation facilities. Similarly, the DMND for the City Hall Re-Use Project determined that impacts to transportation/traffic from implementation of that project, should it move forward, would be less than significant (refer to Pages 110-116 of the City Hall Re-Use Project).



DMND). During construction, the proposed Lido Villas Project would not require the complete closure of any public or private streets or roadways during construction, although the western half of Via Lido would be temporarily closed northerly of Via Malaga for two weeks during installation of the Project's sewer connection. During this time, traffic control measures would be required pursuant to Chapter 12.62 (Temporary Street Closure) of the City's Municipal Code. Accordingly, in the even in the unlikely event that construction of the City Hall Re-Use Project occurs simultaneously, temporary construction activities would not impede use of the road for emergencies or access for emergency response vehicles. Therefore, the Project would not result cumulatively considerable impact to traffic circulation or emergency access during the construction period, and no impact would occur.

• Utilities and Service Systems (MND Page 5-124). The proposed Project would result in a net decrease in the amount of wastewater and solid waste generated by the site, and also would result in a reduction in the site's demand for water resources. Thus, the Project would have a long-term cumulative *benefit* to (reduction of) demand on utilities and service systems. Accordingly, the proposed Project has no potential to result in significant and cumulatively considerable impacts.

In closing, CEQA Guidelines Section 15130 sets forth the requirements for a cumulative impact analysis and the Lido Villas MND properly analyzes cumulative effects. CEQA Guidelines Section 15130 recognizes that the discussion of cumulative impacts need not be as detailed as the discussion of project specific impacts, and that the discussion should be guided by standards of *practicality* and *reasonableness*. An exhaustive analysis is not required. In any case, the Lido Villas MND discloses the City's basis for the scope of its cumulative impacts analysis and MND Technical Appendix F sets forth the cumulative projects list that was derived by following City standards. As a result, the City considered the cumulative impacts from a more-than-reasonable list of 31 nearby projects, including the City Hall Re-Use Project.

As concluded in the summary above and in MND Section 5.4.18.1 under the discussion and analysis of Issue b), and assuming the incorporation of the mitigation measures (all of which are summarized in MND Section 6.0, *Mitigation Monitoring and Reporting Program*), the proposed Lido Villas Project would not result in any significant and cumulatively considerable environmental effects.

If you should have any questions or require additional clarification, please do not hesitate to contact me at (619) 501-6041, or via e-mail at jharding@tbplanning.com.

Sincerely,

T&B PLANNING

Jeramey Harding, AICP Senior Project Manager

Lido Villas



Planning Commission, Public Hearing 3303 and 3355 Via Lido September 5, 2013



Project Summary

 Demolish 3-story office/retail building, church, and 56-space parking lot

 Construct 23 townhouse-style condominium dwellings and 12-space guest parking area

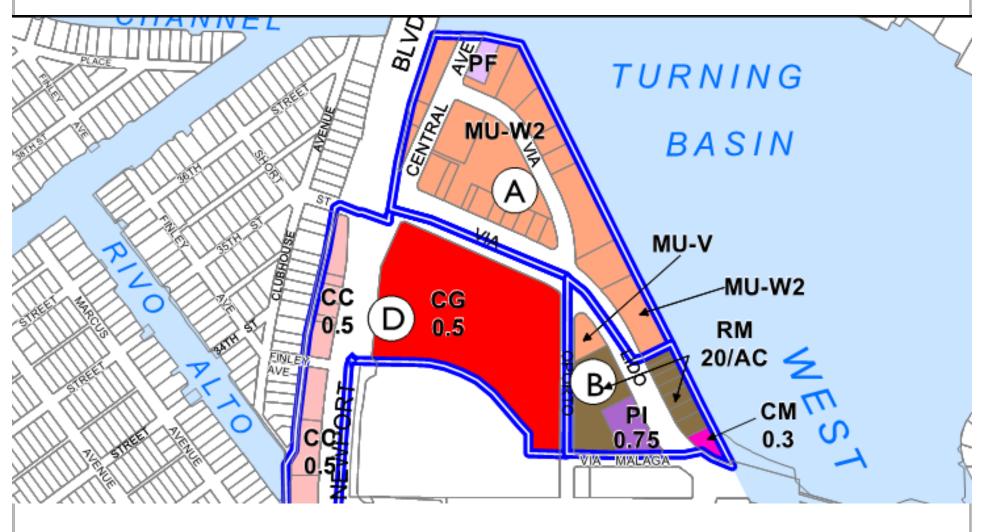
Applications (PA2012-146)



- General Plan Amendment No. GP2012-005
- Coastal Land Use Plan Amendment No. LC2013-001
- Zoning Code Amendment No. CA2012-008
- Site Development Review No. SD2013-001
- Tentative Tract Map No. NT2013-001
- Mitigated Negative Declaration No. ND2013-001

Vicinity Map-Lido Village





Aerial Photograph



08/22/2013

Oblique Aerial facing East



3303 Via Lido from Via Lido





3303 Via Lido from Via Lido



3355 Via Lido-from Via Lido



56-space surface parking lot



3303 Via Lido from Via Malaga

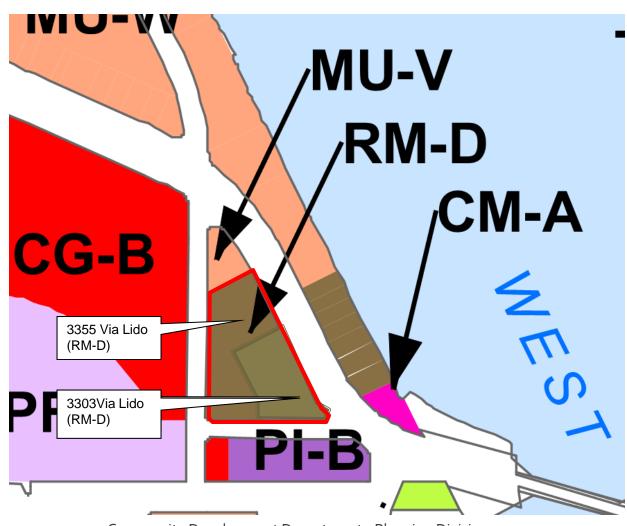


GP Amendment

- Section 423-Not a major amendment
- SB-18 Tribal Notification is ongoing



CLUP Amendment



08/22/2013

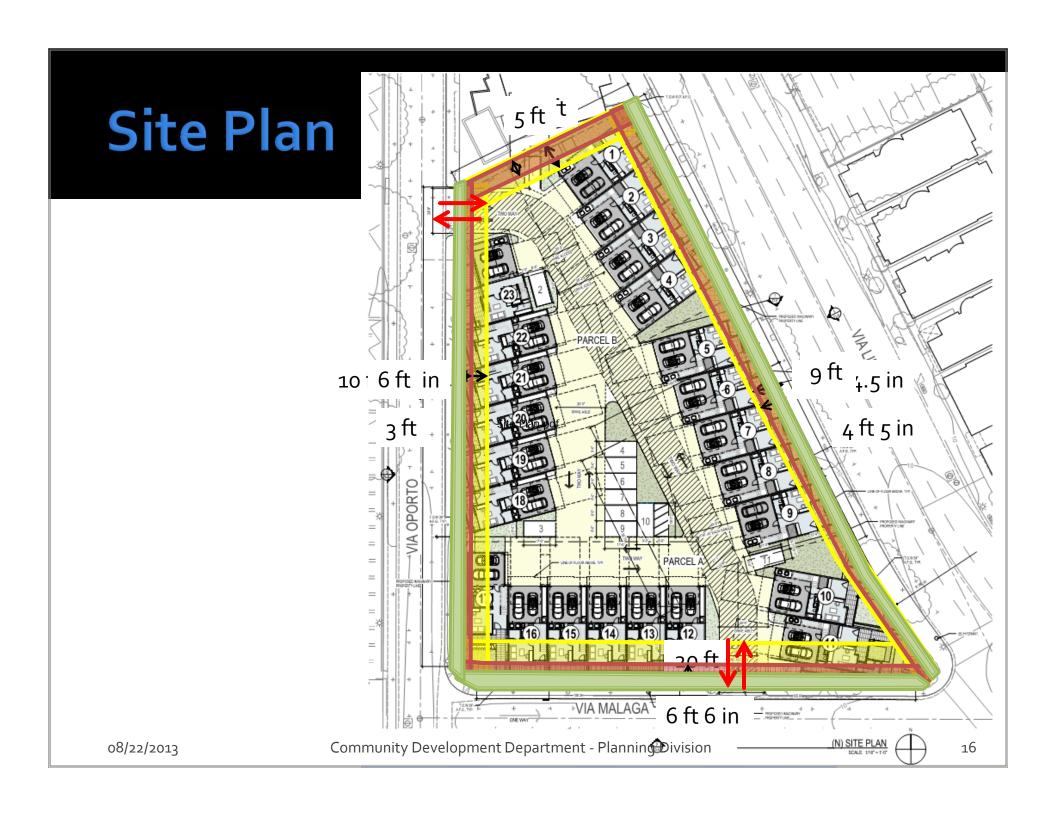
Community Development Department - Planning Division

Zoning Amendment

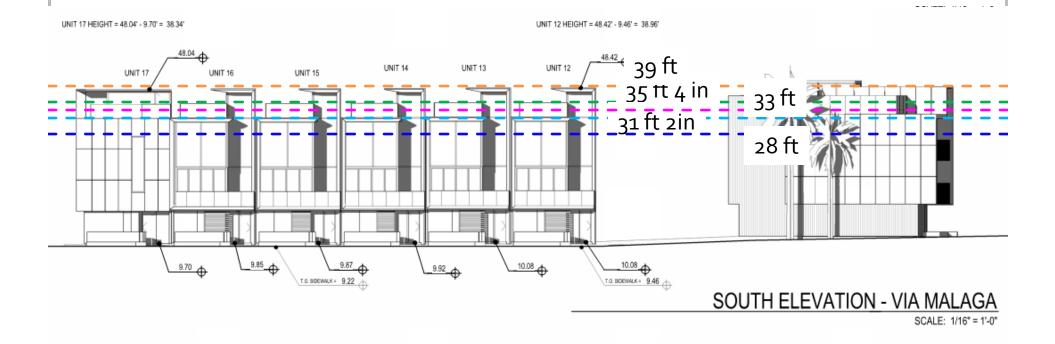


Lido Villas Planned Community

- Establish a planned community with development standards appropriate and compatible with Lido Village.
- Development standards are modeled after the RM Zoning District.
- Variations in height and setbacks are proposed.
- Waiver of 10 acre minimum.



Exterior Elevations-South



Lido Village Design Guidelines



Lido Triangle Goals

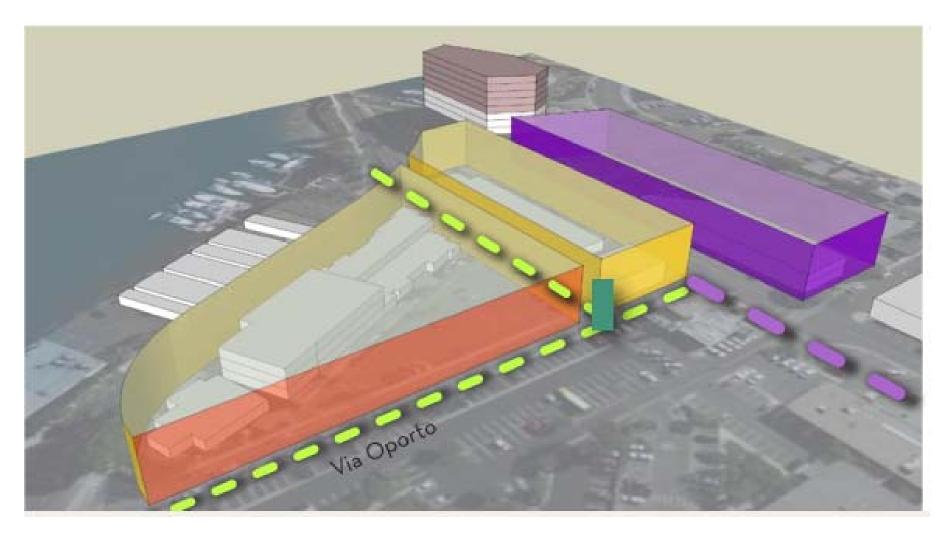


- Improvements should be sensitive to the lessintensive land uses of worship and residential sites.
- Traffic calming devices should be incorporated to promote safe street environments.
- Building and massing should be horizontal to reinforce the pedestrian interface.
- Pursue joint parking opportunities.

Edge Conditions



Edge Conditions



Architectural Themes

- Design Guidelines suggest Coastal or Mediterranean architectural themes or a combination thereof.
- Building materials consist of wood siding, stainless steel panels, and glass railings creating a modern interpretation.
- Guidelines are not standards.

Architecture



Common Open Space



Landscape Area Totals



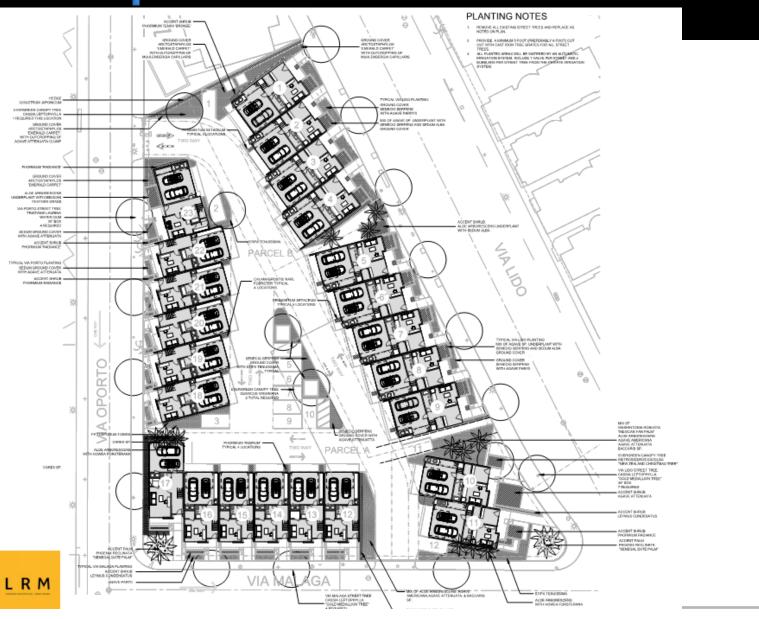
Landscape/Hardscape



07/13/2012

Landscape Plan

07/13/2012



27

Existing Parcel Configuration



Tentative Tract Map



CEQA Review



- Mitigated Negative Declaration-ND2013-001
- State Clearing House No. 2013071050
- Public comment period July 12, 2013 through August 13, 2013.
- Mitigation Measures for Air Quality, Cultural Resources, and Hazards and Hazardous Materials are included in the Mitigation Monitoring Program.

Summary



- Land use amendments are compatible with the Lido Village neighborhood (add of 7 units).
- Land use and site design of the project are appropriate. Height and architecture may warrant additional discussion.
- Identify any suggested changes to project design, if appropriate.
- Tentative Council date is November 12, 2013

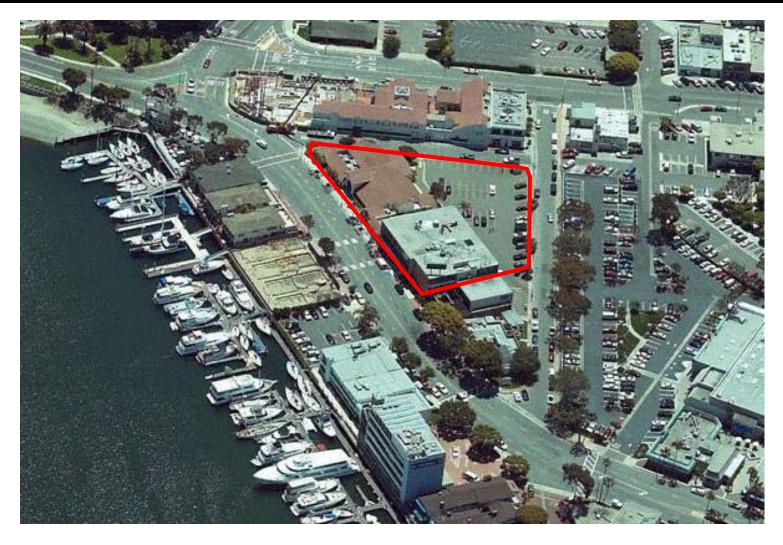


For more information contact:

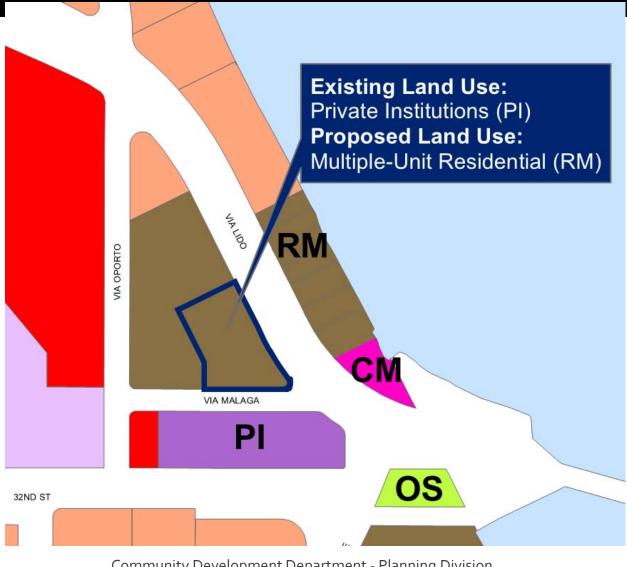
Makana Nova 949-644-3249

www.newportbeachca.gov

Oblique Aerial facing South



GP Amendment



Section 423



	Increase in Allowed Floor Area	Increase in A.M. Peak Hour Trips	Increase in P.M. Peak Hour Trips	Increase in Allowed Dwelling Units
GP2012-005 (PA2012-146) 3303 Via Lido	0 sq. ft.	0	0	7
Prior Amendments (80%) 1. GP2011-010 (PA2011-209) 2. GP2011-003 (PA2011-024) 3. GP2010-005 (PA2010-052)	16,275	48.63	64.81	2
TOTALS	16,275	48.63	64.81	9
Section 423 Thresholds	40,000 sq. ft.	100	100	100
Vote	No	No	No	No

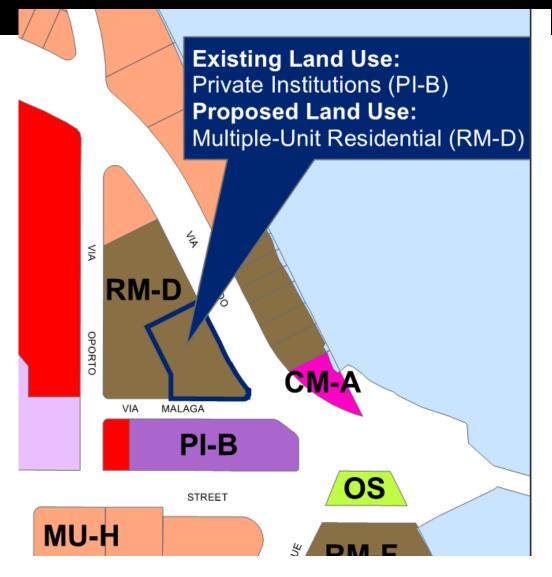
08/22/2013

Community Development Department - Planning Division

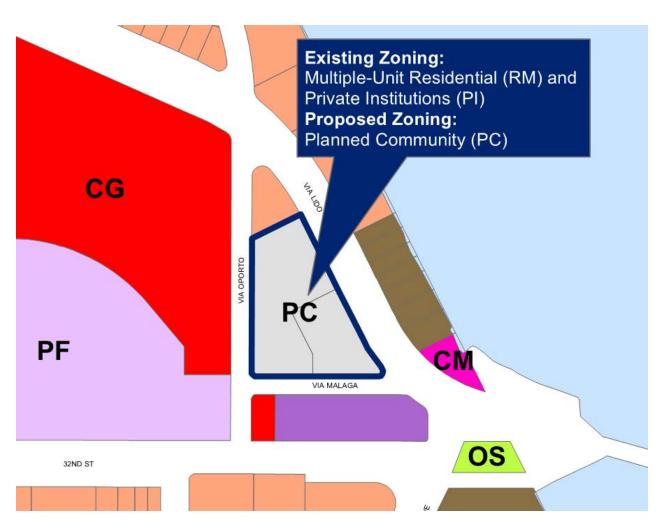
SB-18 Tribal Notification

- NAHC provided a list identifying 14 contacts with the MND
- 90-day consultation period ending November 4, 2013.
- A second round of notices sent August 6th
- A 45-day review period has been requested, which would end September 20th. Staff is awaiting responses from several contacts regarding this request.

CLUP Amendment



Zoning Amendment



Exterior Elevations-East

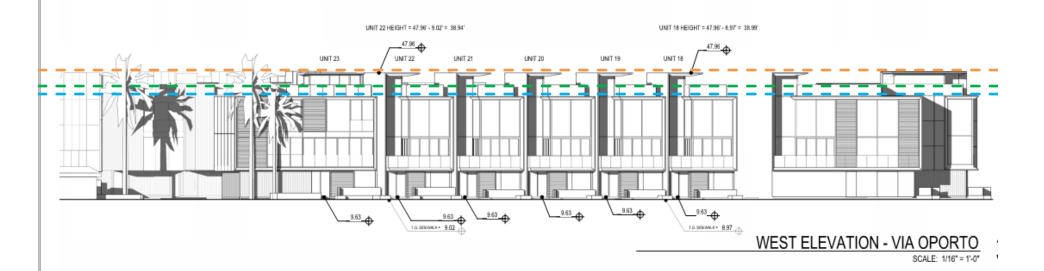




EAST ELEVATION - VIA LIDO

SCALE: 1/16" = 1'-0"

Exterior Elevations-West



Alternatives

- Continue the item to the September 5th
 Planning Commission Meeting if additional consideration is necessary.
- If the Planning Commission recommends denial of the application, Staff suggests denying the application without prejudice to allow for an appropriate redesign of the project.

Updates

- One public comment and several agency comments were received in response to the MND.
- Impact Fees
- Requested revisions to conditions can be provided as an updated Exhibit "F" to the draft resolution for approval.
- Covenants, Conditions, and Restrictions
- Tentative Council date is November 12, 2013.